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LIFE AND TIMES

— OF —

HENRY SMITH,

— THE —

FIRST AMERICAN GOVERNOR OF TEXAS:

— BY —

JOHN HENRY BROWN.

DALLAS, TEXAS

V. D. ALDRIDGE & CO., STEREOTYPERS, PRINTERS AND BINDERS
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Henry Smith

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INTRODUCTION.

THESE is a growing inclination on the part of more recent writers of Texas history, to widen the beaten path, adding to the illustrious names already made familiar, others which have failed heretofore to receive a merited meed of recognition.

A faithful record of the deeds of men, under the peculiar and trying circumstances which may have made them famous or illustrious, is more to be desired than the fulsome praises of partial friends; and pages that are to pass as history, should never furnish opportunity for personal enmity to vent itself. A reaction in either case is not the end desired by the seeker after truth in history. Nor need there be any fear that fidelity to the truth of what shall hereafter be written will make less illustrious or less loved and admired, the names of those whose fame has been made imperishable, by all the tests which time applies to the actions of men.

There can be no need to apologize for the researches inspired by a curiosity which a stray letter or the presentation of a portrait may kindle; provided such research brings to light valuable and interesting truths.

In February, 1879, when the portrait of "Gov Henry Smith" was presented to the State of Texas, and received by the people's representatives at the State Capitol, the question was asked by many of the later citizens, "who was Governor Smith?" and often coupled with the assertion "I never heard of such a governor!" and, strange to confess, few were able to give a satisfactory answer.

If the State of Texas was 250 years old, instead of a little more than half a century, this would not be surprising. But most of the earliest governors and presidents were personally known to a large number of the present inhabitants of the State. Who, then, was Gov. Smith? Did he do nothing? make no impression upon his *time?* and, dying, leave no trace of himself for love nor curiosity to find? *Search and see.* And, we may add, that should our researches be rewarded, as we are led to believe they will be, the inquisitive will, naturally enough, wonder how his name has remained in such obscurity.

“Take off thy shoes from off thy feet, for the place where thou standest is holy ground,” is a warning that should govern the pen of history or biography. One has said: “Let those who write Texas history to-day, be careful that they write the truth, or soon it will all be romance ”

BIOGRAPHY.

CHAPTER I.

WE are able to trace the lineage of Governor Smith to his maternal grandfather, who lived in Bottetourt county, Virginia, and whose name was Woods. Mr. — Woods and an older brother were there killed by Indians, who burned his house and carried his wife and two daughters into captivity, from which the wife and one daughter, "Sally," were redeemed by the exertions of some French traders after a captivity of two years. The other daughter, about ten years of age, was "Magdalen Woods." This little girl made a very favorable impression upon her Indian captors by bravely looking one in the face, who drew his knife across her head, pretending to be about to take her scalp. During her captivity she was sent with a squaw to a house in the white settlements for some corn, and was there recaptured, dressed in boy's clothes as a disguise, and called "Little Jack."

They remained in Bottetourt county until Sally (afterwards the wife of Capt. James Newel, of Rockbridge county, Virginia,) was married, when Magdalen moved with this sister to Wythe county, Virginia, where she married Rev. James Smith, a Baptist minister from the eastern part of the State; moved to Kentucky about 1780, and settled at a place called "Smith's Station," (now Bryantsville,) in that part of Lincoln county now known as Garrard.

He is believed to have been the first preacher in the "Forks of Dix River Church," in that county, though not its pastor. It is not known that he ever took pastoral charge of any church, but was pre-eminently a "*pioneer*" in the work of the ministry

In 1784 he, with Rev. John Whitaker, "constituted" "Bear Grass Baptist Church," the first religious organization of any kind within the limits of Jefferson county, Kentucky.

In 1784 he visited Monroe county, Illinois, where there was a settlement of people who had emigrated from Virginia and Kentucky, was their first preacher, and made the first *public* prayer that had been made in that settlement

On a subsequent visit to Illinois, he was taken prisoner by the Kickapoo Indians and was

redeemed partly by contributions from the Baptist Church, and by beads and blankets from his son William.

Rev. James Smith and his wife, *nee* Magdalen Woods, are both buried at Bryantsville, Garrard county, Kentucky.

They had ten children, of whom Henry Smith, our Texas governor, was the youngest. At 21 years of age he became a merchant on his own account in Nashville, Tennessee; afterwards at "Paint Lick," Kentucky, where, in 1815, he married Miss Harriet Gillette, of a well-known and highly respected family. From Kentucky, prior to 1820, he removed to the Boonslick country, Missouri, where, early in 1820, his wife died, leaving three sons, William Watts and his twin brothers, John Gillette and James Evans.

In January, 1822, he married Elizabeth Gillette, a sister of his first wife, who died in 1833, at Brazoria, of cholera, leaving five daughters, Harriet G., (now the wife of Col. George W. Fulton, of Fulton, Aransas Co.,) Jane, Sarah, Emily and Sophronia. In 1839 he married Miss Sarah Gillette, twin sister of his second wife, by whom he had one daughter, Elizabeth, who died of yellow fever in Galveston in 1854. His widow died in Liberty in 1863.

From Missouri, *his veins full of pioneer blood*, he came to Texas early in 1827.

CHAPTER II.

ENOUGH has been written and spoken in defence of the pioneers of Texas, and the galaxy of names of men from the most distinguished families, and of the highest type of christian civilization, from boastful New England and other States of the union to satisfy thinking men. The unthinking and the unthankful will continue to put faith in their prejudices and in the ridiculous admixture of legend and romance.

The families who came to settle in this wilderness with Stephen F. Austin, Green DeWitt, and other founders of colonies, were induced to come by offers from the Mexican government of large grants of land, and well-guaranteed pledges of security and protection to life and property. That government was then believed to be permanent and secure, and able to carry out, in good faith to the colonists, all that was promised. Their constitution and laws were similar to those of the home government. The climate was described as elysian, the earth productive beyond description—the waters to be teeming with fish

and the forests with game. In the brain of the ambitious might possibly have been found a conception of the wish, father to the belief, that this country would, sooner or later, become part of the United States.

Unfortunately, or fortunately(?), the internecine revolutions that almost immediately began to distract that unhappy country, soon pressed home to many of the colonists the conviction that they could not look with confidence to the Mexican government to redeem its pledges of protection from Indian depredations, and in the peaceful possession of the rights accruing to them under the colonization laws. Still, there was, for several years, a measure of peace, and a suppression of any sense of insecurity that might creep in and disturb a midnight sleep—a kind of nightmare. The settlers cultivated their lands, were rewarded with abundant crops, and saw their flocks and herds and children growing up around them. They occasionally heard the muttering thunders of revolution, but at a distance.

Texas, as part of the State of Coahuila and Texas, was finally divided into three departments—the departments of Nacogdoches, of Bexar, and the Brazos. These were sub-divided into municipi-

palities or jurisdictions, each of which had its Ayuntamiento, presided over by an Alcalde, or president, two associates, called Regidores, an officer called a Syndico Procurador (a sheriff), and a Secretary, with the State government at Monclova, in Coahuila, where the State Congress held its sessions.

Henry Smith's home and farm were in the Jurisdiction of Brazoria, and he identified himself with every move of the citizens for their benefit and protection.

There he cultivated the soil—taught school, and afterwards surveyed lands. In the battle of Velasco, June 26, 1832, he received a severe wound in the head.

At a public meeting called to ratify the "Turtle Bayou resolutions," in favor of adhering to the principles of the Constitution of 1824, a very critical period, in which figured the Whartons, Jack, Dr. Branch T. Archer, Waller, and other men of note, Henry Smith came forward and read an address, in which he foreshadowed his course three years later as a leader of the "Independence party," in contradistinction to the party, at that time largely in the majority, who were in favor of fighting as an integral part of Mexico, though at the latter period, by successive revolutions, the Mexicans had virtually already destroyed the Constitution of 1824.

The people of his municipality, recognizing his ability and integrity, elected Henry Smith to the then important position of Alcalde of Brazoria, or Columbia, for the year 1833.

With the pretended object of protecting the public revenue and putting down the smuggling that was being carried on, in 1831, Mexican garisons had been established at Nacogdoches, Anahuac, at the mouth of the Trinity, and at Velasco, at the mouth of the Brazos. Their real object was not misunderstood, and in each locality the colonists arose, dislodged the military and compelled them to leave the country.

In March, 1833, agreeably to notice from the "Central Committee," (appointed by the various alcaldes to facilitate communication with remote points in the province,) an election was held in the municipality of Columbia, or Brazoria, to elect five delegates to represent them in the general convention to be held in San Felipe, on the 1st of the following April, for the purpose of memorializing the Mexican Congress, (as is already familiar history,) for a State government, separate from Coahuila, according to their constitutional pledge—"Whenever Texas shall be in a condition to figure as a State by itself." They now adjudged themselves to be in that condition.

The five delegates elected were

William H. Wharton,	- -	100 votes.
Henry Smith,	- - - - -	86 “
Branch T. Archer,	- - - - -	85 “
R. M. Williamson,	- - - - -	65 “
Robert Mills,	- - - - -	56 “

(Signed,) JOHN AUSTIN, Pres't.

J. P. CALDWELL, }
ASA BRIGHAM, } Tellers..

The convention prepared their plan for a State government, with a petition to the Mexican Congress, and selected Stephen F. Austin, Dr. James B. Miller and Wm. H. Wharton, as their commissioners to present them, but Austin only went on the mission.

The commissioner, on his way to the City of Mexico, wrote the following letter to the Ayuntamiento of Brazoria :

MATAMOROS, 30th May, 1833.

The public was very much agitated in this place by false reports and rumors relative to Texas; but they have been removed by the statement of facts which I have laid before his Excellency the Commander, General Don Vicente Filisola, who assures me of the paternal intentions of the government towards the people of Texas. There never has been any just cause to doubt that such are its intentions. All the vague

rumors that have been circulated as to the marching of a large army to Texas with hostile views are utterly false.

The General has orders to re-establish the Custom House and the Military Garrisons and will proceed to do so, for the purpose of protecting the public revenue, and stopping the scandalous contraband that has been carried on in tobacco from the ports of Texas. I have assured him that he would receive the support of the colonists in sustaining the Revenue law, and that they would do their duty faithfully as Mexican citizens.

I have pledged my honor for the truth of this declaration, and have full confidence that the people of Texas will not forget the pledge I have made, but will by their acts prove its correctness, and that the Revenue laws can be enforced without the aid of large Military Garrisons.

Mr. George Fisher will leave here shortly to enter upon the duties of collector of Galveston, with only a sufficient number of troops for necessary guards, etc.

Whatever ideas and opinions may have heretofore existed as to Mr. Fisher they should now be consigned to oblivion and forgotten. He returns as an officer of the Government and as such it is

the duty of the people to respect and sustain him. I will also observe that I have investigated very minutely all the past transactions in which he was concerned and have formed the opinion that the excitement which unfortunately grew out of them, was produced by misconceptions and suspicions too hastily entertained, and not from an intention to do wrong or injure any one. I believe there were misconceptions on both sides, and probably as much on one part as on the other. Mr. Fisher will make an useful collector. His knowledge of the English language (Mr. Fisher was a Greek) will give more facilities in his intercourse with the people than could exist with a collector who was unacquainted with that language. I therefore particularly recommend the utmost harmony with him, and that he be sustained in the discharge of his duty by all, regardless of the clamors of a few transient traders who would involve the honest farmer in difficulty with the authorities, if they could increase their profits thereby.

The political events of the past year necessarily produced a temporary and partial disorganization in the regular administration of the government all over the nation, which, as a matter of course, extended to Texas. Everything

has now settled down again upon the constitutional basis, and the regular operation of the laws and all the legal authorities has been restored.

The temporary and provisional measures which the peculiar exigencies of the times may have rendered necessary to preserve the public tranquility, and protect persons and property, have consequently ceased all over the nation. I have assured the commanding general that they will also cease as a matter of course in Texas. I therefore particularly recommend that whatever temporary deviation from the laws there may have been in the organization of the militia, or in any other matters should be corrected without delay, and everything restored again to the legal basis, as has been done all over the Republic

The general congress adjourned the 20th of this month, and as there will not be another regular session until January next, my journey to Mexico was rendered measurably useless. I have also been very much debilitated by dysentery or *cholorina* which prevails here. These considerations determined me to postpone my trip to the capitol for the present, and I forwarded the memorial of the convention to the gov-

ernment through the commanding general. Since then my health has improved and an opportunity having unexpectedly presented of a passage to Vera Cruz by sea, I have concluded to embrace it, and shall depart in a few hours.

I will close by assuring you that I have the most unlimited confidence in the patriotism, liberality and justice of the government, and I rely with full confidence upon the people of Texas, to sustain firmly all the authorities, both Federal and State, and to obey the laws strictly. By so doing they will procure a State Government and keep away large and unnecessary military garrisons, and obtain everything that a reasonable people ought to ask for or a just and liberal government ought to grant.

Respectfully your friend and servant,

S. F. AUSTIN.

To the Ayuntamiento of Brazoria.

N. B.—I recommend that the people of Texas should be mild calm, and firm in favor of making a state of Texas by legal and constitutional means, and by no others.

S. F. AUSTIN.

On the 1st day of January, 1834, a newly elected Ayuntamiento was inaugurated for the

municipality of Brazoria, of which Edwin Waller was Alcalde, William H. Wharton and Capt. Henry S. Brown were the Regidores or Associate Justices, with Peyton R. Splane as Syndico Procurador, or Marshal. All of these gentlemen had fought at the battle of Velasco, on the 26th of June, 1832. Of this body, on the next day, Henry Smith, also a soldier of Velsaco, was appointed Secretary; but on the *24th of July, 1834, he was notified of his appointment as Political Chief of the department of Brazos, by Viesca, the Mexican governor of Coahuila and Texas. The original commission in Spanish, lies before us. It came to him through the hands of Wm. Barrett Travis, at that time Secretary of the Ayuntamiento of San Felipe. Accompanying its transmission is a letter from the pen of our immortal hero, whose name never falls from lip or pen without awakening a thrill of admiration and love. Henry Smith was fortunate enough to have in him a warm, confiding and true friend. The letter is as follows:

To Citizen Henry Smith, Brazoria :

DEAR SIR:—I have the honor herewith to transmit to you a communication from the acting alcalde of this town, notifying you of your appointment to the office of Political Chief of the

On the 26th of July, two days later, Capt. Henry S. Brown, second Regidor, died in Columbia.

department of the Brazos, and requesting that you will immediately repair to this village to take the oath of office before the Ayuntamiento, and to be installed in compliance with the order of the government.

It is all important that you should be put in the exercise of your office as soon as possible, in order that you may preside at the approaching election for governor, lieutenant governor, counsellors and a member of the State congress from this department.

Allow me to congratulate you as the *first American who has been appointed to the office of Political Chief*, and to hope that you may be the means of great good to Texas. I have the honor to subscribe myself your friend and obedient servant.

“God and Liberty,”

WM. BARRETT TRAVIS.

San Felipe de Austin, July 24th, 1834.

P. S.—There is a large bundle of documents in the Post Office here directed to you as Political Chief, the contents of which we are anxious to know. We hope you will soon be here to gratify the wishes of the citizens.

As I presume you have not seen the law creating the new department of Brazos, I will say to you that it provides that the chief shall

receive a salary of \$800.00 payable monthly and \$450.00 for a clerk.

I hope you will be here by the last of the month, or before, if possible.

This goes by express. Your friend,

TRAVIS.

In no better way can the difficulties and discouragements with which he was beset as political chief, be learned than by giving to the public his correspondence, or so much of it as we have been able to procure.

Under date of Bexar, Sept. 11th, 1834, we find the following from Hon. R. M. Williamson:

MY DEAR SIR:—I arrived in this place six days past, where I have been detained principally by the ill health of my companion, (Mr. Vanderveer).

By to-day's mail we had important news from Monclova, the capitol of Coahuila. It seems the state government upon the plan and principles of the constitution (of 1824) is completely dissolved. A military despot is governor, whose ignorance is alone equaled by his arrogance. There will be no congress this present year in Monclova and every constitutional officer of the state, so far as I have been informed, has been deposed by the insurgents.

It is shrewdly conjectured here by the friends of the constitution that an attempt will be made to depose the chief of this (Bexar) department by the military. It is to be hoped they will let this opportunity for wrong doing pass by. However, this evening will tell the news, and I will give you fully what follows.

I indulge the hope that Texas will remain firm. Our constitution may be violated, but its principles can never be destroyed.

Should an event, such as that predicted in this place, occur this evening, I pray that the colonists will not permit the handful here to trample over so excellent a citizen as Juan Seguin. Both himself and father are absent and have been from this place for several days.

The military, therefore, confident of success, will, according to the best information I can procure, put down the one, (Juan).

I leave on to-morrow for Monclova. May the Lord prosper you and the colonies. Give my respects to Travis, Baker and all my friends.

Adieu, WILLIAMSON.

And the following from W. Barrett Travis.

SAN FELIPE DE AUSTIN, Oct. 11th, 1834.

To Citizen Henry Smith, Political Chief.

DEAR SIR.—Your esteemed favor of the 4th inst., came to hand this moment.

I wrote you some time since and am sorry you did not receive my letter, as in it I pressed you to come up as soon as possible. You say you do not know what to do! We are all at a loss. But one thing is certain, never has there been a time when your presence was so much needed here as now.

You ask for my opinion. It is worth but little, as I pay little attention to politics.

I agree perfectly with the sentiments breathed in the hand-bill, I have just read, in which Oliver Jones' letter is published, and I think that Texas is forever ruined unless the citizens make a manly, energetic effort to save themselves from anarchy and confusion, which are the worst of all evils. To do this the central committee should, by virtue of the powers vested in them and in conjunction with the political chief and ayuntamiento, call a constitutional assembly of the representatives of the people of the different districts of Texas, to meet at this place or Bexar, to deliberate upon the state of our affairs and with *absolute powers* to dispose of the destinies of the country according to circumstances; for, we are virtually and *ipso facto* without any legal government in the state or nation. Public documents received here con-

firm the statement you have received by private letters, so that we are subject legally and constitutionally to no power on earth, save our *sovereign selves*. We are actually in a situation of revolution and discord, when it becomes the duty of every individual to protect himself. And allow me to tell you, that in my humble opinion, unless something is done by Texas herself, the mandates of every officer in the republic and State will be disobeyed and trampled under foot.

The fact is, something *must* be done to save us from our inevitable fate, and the sooner the better. *You, as the highest legal and constitutional officer in the State and the only one in existence that we ought to obey*, have it in your power to do everything for Texas, by taking the lead in our public affairs.

Let all party animosities drop. Let us march like a band of brothers to the same saving and vitally important point.

Please show this to Wharton, and whatever a majority does, let us all support heart and hand. *Come! Come! Come!*

Your friend,

WM. BARRETT TRAVIS.

The people of Bexar met October 18th and formed what is known as the "Plan of Bexar,"

and resolved that a State convention be held at Bexar, November 15th, to organize a provisional government. This was proposed by Don Erosmo Seguin, Political Chief of that department. A copy was transmitted to the other departments. The Texas deputies at Monclova also recommended the same. But all failed.

On the 20th of October Henry Smith, Political Chief, issued his address entitled "*Security for Texas*," addressed to the ayuntamientos of his department and to the citizens of Texas generally.

Its historical importance justifies its insertion here.

SECURITY FOR TEXAS.

[Official.]

CHIEFTAINCY OF THE DEPARTMENT OF BRAZOS, }
OCTOBER 20, 1834. }

To the consideration of the ayuntamientos of this department, and to the citizens of Texas generally, the following remarks are respectfully submitted:

Feeling it a duty incumbent on me, not only as the political chief of this department, but as a citizen, in common with others, to warn my fellow citizens of impending dangers when I see

their approach ; and at the same time to recommend the adoption of such measures of public security, as to me may seem best calculated to avert those evils and promote the general good, I consider this not only to be a privilege, but a duty incumbent on all who feel a lively interest in the promotion of the public weal, to freely discuss public men and measures, particularly when those privileges are guaranteed by the constitution and laws of the land. That a crisis has now arrived in the political affairs of Texas which is not only calculated to arouse from lethargy the most torpid and unenergetic citizen in it, but to particularly call forth the energies of the high-minded public spirited citizens to interpose forthwith, and to save this fair portion of the State from anarchy and confusion, which must inevitably result in her final ruin. The following letter from our representative in the State congress, together with other data to the same effect, will at once show the necessity for energetic measures on the part of Texas:

MONCLOVA, September 2, 1834.

DEAR SIR.—The political affairs of this section of the country are in a state of perfect anarchy and confusion. The State government has fallen into pieces, without leaving a founda-

tion on which another can be constitutionally erected. On the 30th of last month an officer of the permanent army was proclaimed governor of the State by fifteen officers of the army, two members of the ayuntamiento of this place, and three of the deputies of the congress; and the former governor turned out of office. There is not, nor will there be, any congress or permanent deputation in this place during the present year. At one time since my arrival in this city there were seven members present, two of whom were of the Saltillo party and refused to serve, and immediately left for that place. Vasquez left this morning for Texas. I shall, if permitted, remain a few weeks longer. The government established in Saltillo still exists and is gaining ground. The towns of Rio Grande, Morales, San Juan de Mat and Santa Rosa have declared in favor of Saltillo. There are about 500 militia and permanent troops in this place, but up to the present time they have been inactive. The government of Saltillo appears to be on an equal footing with that of this place, and has an equal number of supporters in this part of the State. Is not Texas as much entitled to a government as the former? She is without one, in fact, none exists in the nation of which she forms a part. I am

of the opinion that this is a subject worthy your deliberation at this critical moment.

The State of Vera Cruz has, I am informed, declared in favor of a central government, and I have no doubt of Santa Anna's intention to establish that form of government. Chambers will leave in a few days for Texas. Yours, etc.,

OLIVER JONES.

It will be seen from the above letter that the Saltillo party has been acquiring strength for some time, and the Monclova party are of a more recent formation, possessing now about equal force; both of whom, however, are spurious and in direct opposition to the constituted authorities, endeavoring to make null everything like constitutional law. Our representative, to use his own words, makes the following inquiry: "Is not Texas as much entitled to a government as the former? She is without one; in fact none exists in the nation of which she forms a part." The inquiry made by our representative is perfectly natural, and will present itself to the mind of every thinking man. That a government for Texas is absolutely necessary, that she is evidently without one, are points upon which there can exist but little difference of opinion. That Texas should immediately organize and protect

herself from impending ruin all must agree. But how organize? And by what means afford herself that protection so necessary to her well being? are matters about which much contrariety and difference of opinion may be expected. Many would be in favor of organizing, on the principles heretofore adopted, of forming Texas into a separate and independent State, leaving herself subject to the action of the general government. She has once been memorialized on that subject, and the result not yet ascertained, for our bearer of dispatches, for aught we know, may yet be persecuted even unto death for his seeming temerity, which leaves but little hope for any favor to be expected from that quarter—well knowing, as we do, the deep rooted prejudices which have unfortunately been imbibed against us throughout the republic. It would be well for Texas, under existing circumstances, to view her situation and dependence as respects her connection with the State and general governments, both now in a state of anarchy! Let her then hazard nothing, but promptly adopt the most prudent and least exceptional course which can be found within her reach, hazarding as little to the action of the general government as possible: for when, or what form of government, she may

ultimately settle down in, I presume but a few, if any of us, are sufficiently gifted with the spirit of prophecy to determine. Taking, then, a superficial view of our situation, as being without government or law, must be to every thinking mind truly appalling, and should be shunned as the greatest evil which could possibly befall us; for if we should once suffer ourselves to be brought into a situation so horrible, it would be truly fortuitous if we should ever be reclaimed. But it may be considered by some that inasmuch as the general and State governments are both in a state of anarchy, that Texas, being an appendage, must necessarily fall into the train. In answer to this, I say that the present situation of Texas, in a political point of view, is peculiar to herself alone, and her destinies depend solely on her own action, having still within her reach the constitutional reins, and as such can control the machine called government into the proper and legitimate channel, or she can directly or tacitly embrace the destroying fiend called anarchy, which, it is well known, stalks abroad in the land seeking whom she may devour. Let Texas shun her poisonous embrace, and call forth the energies of her patriotic citizens to sustain her from the threatened labyrinth of anarchy.

military misrule and threatened ruin. To a superficial or casual observer, the political horizon of Texas would seem to be overcast and the footsteps of anarchy already making their appearance. These ideas, although they may be treated as illusory by many, may soon prove sad realities and leave us without a remedy.

But, as I before observed, Texas has everything she needs within her own control. Her unnatural connection with Coahuila, a dissolution of which has been so much desired on the part of Texas, is now, by the act of the former, dissolved. Let Texas, then, abandon her to her fate. She has withdrawn herself by her own willful and unlawful act, forfeiting all claims to protection from the provisions of the civil compact; let her, then, quietly enjoy the blessings of anarchy. She was at best but an unnatural sister, and Texas could have expected nothing better of her than sooner or later she would act worthy of her noble self and become a prostitute to the first military chieftain who might think her worth wooing; she has by her own willful and abandoned conduct thrown herself without—let Texas, then, keep herself within—the pale and provisions of the constitution, which she has sworn to support and protect. Let the separation caused by the act of

Coahuila be responded to by Texas and declared perpetual. Coahuila will, in this case, be left without plea or excuse. Having willfully committed an act of treachery by plighting her faith and forfeiting all her guarantees, she can never be allowed to take advantage of her own wrong. Let Texas, then, immediately close in with her on her own terms; suffering her quietly to enjoy all the rights, privileges and benefits which she can derive from the reign of anarchy and military despotism. But Texas is certainly not compelled to follow in her train—she is left free to act for herself. Let her, then, act the wise and prudent part by sustaining herself within her own limits, under the auspices of that constitution which she has sworn to sustain and support, and thereby leave nothing dependent on the action of the general government. Texas would then occupy a position which she has long desired; if not entirely as she wished, as nearly so as circumstances at present will possibly admit. If she will act promptly and assume that position, it will be one against which the general nor no other government in the world can take exceptions; and by that and no other legitimate means can she save herself from anarchy. I deem it all-important, then, that Texas be immediately consulted by her representatives from every section, (one or two

from each jurisdiction would be sufficient,) to meet in public council, to deliberate and determine on the course the best calculated to promote the interests of Texas at the present crisis. If, on a fair scrutiny and investigation of my fellow-citizens, my views (the outline of which is here delineated) should be found consistent and to accord with the general interest, it would be well for the differen' ayuntamientos of this department to issue their writs and hold their elections as usual, and make their returns as formerly, in order that all the municipal offices be filled out in accordance with the constitution and laws, of which duties they are hereby notified and required to perform. In continuation, let the central committee at San Felipe, by virtue of the authority vested in them by the former conventions, immediately convoke the people of all Texas, through their representatives, to meet in public council and formally protest against the further interference of Coahuila within her domain; and that inasmuch as she has of her own choice forfeited her birthright, and with it all the guarantees extended to her, in common with Texas, in the civil compact; that the latter, by virtue of those guarantees declares herself henceforth and forever separate and detached from the former; and that

all acts emanating from the authorities of Coahuila, since her innovation, in anywise calculated to operate or interfere with the local or political affairs of Texas, will by her be considered as an infringement and treated as null and void. Let all the offices which have been vacated (causing the present interregnum) be as speedily as possible filled out, and as nearly in conformity with the provisions of the constitution as circumstances will possibly admit, leaving nothing undone which would be in the least calculated to furnish within the limits of Texas a complete system of government as designated in that instrument. Texas, in doing this, would not only act worthy of, and afford herself protection, but would evince to the republic and to the world that, although her citizens are only exotics, they had found the climate and soil in which they were now settled congenial to their well being, and as such they were ever alive to the rights and privileges guaranteed to them by that government, whose invitation they had accepted, whose wilderness they had settled, and whose constitution and laws they respected. She has once turned her face against innovation and military misrule; let her, then, continue to act consistent and evince to the world that she possesses stamina of character (a chip

of the old block) and that her rights and privileges are immutable, and are not to be thwarted by the whims and caprices of every lawless mob who may think proper to set themselves up in opposition. If confidence can be placed in the representations of our representative, which is certainly worthy of the highest credit, (independent of which the same information has been transmitted to us from private gentlemen of the highest respectability, leaving the matter beyond any reasonable probability of doubt), the committee, then, before alluded to, being appointed as a committee of vigilance, safety and correspondence, and, as it were, placed on the watch tower, will certainly deem this a matter worthy their attention, and, if so, act promptly; or otherwise publicly assign their reasons, in order that some other mode of co-operation may be adopted.

These, fellow citizens, are my honest opinions on this all-important subject; they are given to you freely, frankly and firmly; I am fully alive to the importance of the subject, and have reflected deeply on the consequences which may flow from the decision which you may make, and satisfied as I am in my own mind of the correctness of my conclusions, I call upon you to

come forward on this important occasion, to act promptly and to protect yourselves. In a country situated like ours, so illy provided with the facilities of communication I fear that more danger is to be apprehended from the want of concert of action than the want of unanimity of opinion. This consideration alone should give activity and energy to all those who feel an interest in the welfare of their adopted country. I am well aware that there are many who will oppose the opinions that I have here expressed; I know that they possess power and influence, and I also know that both will be exercised to controvert these opinions and to produce results contrary (as I conceive) to the true interests of Texas. But, fellow citizens, I warn you against taking the ipse dixit of any man for established truth, and I call upon you, who are the bone and sinew of the land, to think for yourselves and weigh well the all-important matter now submitted for your consideration and decision. If any should oppose you in your opinion, call upon them publicly to assign their reasons; let them satisfy and convince you ere you follow in their train; for it may sometimes happen that private interests will conflict with the public weal, and that men may be found who will sacrifice the latter at the shrine

of the former. Let none of my fellow citizens be so uncharitable as to attribute the views here advanced to a spirit of dictation, or as having emanated from the wild aberrations of a young aspiring or an ambitious man, for those of you who know me well know than I am contented with an humble sphere in life. But a nine years siege in the wilderness of Texas, suffering in common with you all the privations and hardships naturally attendant on such a situation, sustained by hope and fondly anticipating the future, now to see that future suddenly overcast, depicting and threatening all the evils attendant on a state of anarchy and confusion; and being impelled by my oath of office to warn you of the approach of those dangers, will, it is hoped, be considered as sufficient reason to warrant the present appeal. If, however, fellow citizens, upon a fair investigation of this important question, a majority of you should be in favor of a State government for Texas, on the principle heretofore attempted, you will certainly not find me in opposition; having no other object in view than that of promoting the general interest, by providing and establishing for Texas a separate government, to which she is justly entitled, and without which her interests can not be sustained. I have maturely

deliberated on the situation of Texas, both as connected with the State and general government, and have recommended the former course in preference to the latter, for the reasons already set forth, having an honest conviction that under all the circumstances, it was the least exceptionable. This, however, is a matter submitted to the sovereign people on which to deliberate and determine. I have just at this moment (when about to bring this communication to a close) received from a friend in San Felipe information that our Mexican brethren of Bexar were about to take the lead in forming a plan to effect the desired object, and that an express from them was hourly expected. This is as it should be, and bids fair to promote concert. Let the North American citizens of Texas then throw aside all their local prejudices and private animosities, and freely and honestly enter into concert to promote the object so desirable, and on which depends the destinies of their adopted country. If, however, fellow citizens, after receiving this fair warning, you should still remain inactive and unenergetic, and not be sufficiently alive to protect your own vital interests, and suffer this fair portion of the State to be swept into the vortex of anarchy and ruin, I shall still have left one pleas-

ing and heartfelt consolation that if I have not ably, that I have at least honestly and faithfully discharged my duty.

HENRY SMITH.

In closing a letter dated Matagorda, Oct. 28, 1834, Mr. Ingram writes, "I have given as many as possible an opportunity to read your "paper" and find it so far approved by all. Have you sent any to the west of the Colorado, among the American settlers on the Navidad and Lavaca. These people ought not to be neglected. They are highly respectable, both as to numbers and intelligence. I have reserved three or four for them, and will embrace the first opportunity to send them forward.

Yours, respectfully, INGRAM."

The following is from Travis:

SAN FELIPE, Oct. 25, 1834.

To Citizen Henry Smith, Political Chief.

DEAR SIR:—Yours, accompanied by the package, came safely to hand, and I have distributed the latter throughout Texas, except a few which I will send by the mail on Tuesday next. Your views, set forth in the address, meet my approbation and co-operation, but they are opposed here by some influential men. I hope the people will take up the subject and express their spontaneous opinion.

There will be a great many people here next week, at court, more than have assembled here in twelve months. I would advise you to be here. "*The Plan of Bexar*" I have seen by breaking open the package addressed to you, which I now send. This plan will take with the people. I hope you will co-operate with the people of Bexar. Let us meet their advances. It is all important to our success, and in future to have them with us. Now is the time to secure their influence in our favor.

They have united both parties at Bexar (Mexicans) and have completely committed themselves to the "Plan." They will now stand by us for they have thrown themselves into our arms and upon our protection. They lean upon us for support. Let us improve the golden opportunity and send commissioners to meet them, even if we instruct them to differ with those at Bexar. Decency, etiquette and official dignity require something from us in answer to them. Let us drop the central committee and not depend upon it. To succeed, we must act through the legal authorities. Although I am a member of that committee, I think it has never done any good. Bexar expects an answer, and I hope you will send up your answer in time to go by the next

mail, which I will detain for that purpose.

I again urge you to come up here. You can do more here at your legal post than there. Your presence will put down opposition in a great measure. If you do not come, let me suggest that you write to —— and Dr. James B. Miller and consult them. When men think they have a right to be consulted it disgusts them to be neglected. Excuse the liberty I take, as it is done in the purest spirit of friendship.

Yours ever, WM. BARRETT TRAVIS.

As Political Chief, "Citizen" Henry Smith addressed the following communication to Don Juan N. Seguin, Political Chief of the Department of Bexar:

BRAZORIA, 4th of Nov., 1834

Most Excellent Sir:—

Having received from your excellency a copy of the resolution of the worthy inhabitants of the department over which you preside, setting forth in its true light the entire anarchy which prevails throughout the State of which we form a part, with the proposed Plan of forming, on a day set, a provisional congress in your city, for the laudable purpose of devising ways and means to prevent the further encroachment of those much to be dreaded evils; feeling as I then did, and

still do, the necessity and propriety of the measure proposed, I gladly embrace the opportunity to accept of your offer and immediately inform your excellency that I would co operate with you on the plan proposed, and at the same time inform you of the lack of time, with a request that you would adjourn the congress from day to day until it is filled out.

I am extremely sorry to inform your excellency that owing to the scattered situation of the ayuntamientos of my department, and the great disorganization which prevails among them, notwithstanding I have ordered them to elect and send their representative as proposed, in all probability but few if any will be able to comply. The shortness of time, not having received your communication until the 28th of October, rendered it out of my power to satisfy the people of the necessity and propriety of adopting the measure. I had, previous to the reception of your excellency's proposition, made a similar call upon the people for organization. That call met with much opposition, principally through a violent party spirit, which has, unfortunately, been of long standing; and the party are now invigorating themselves by working on the sympathies of the people, owing to the confinement of Col. Aus-

tin at the City of Mexico—telling them that it is on their account that he has been doomed to suffer so much, and that any move on their part would only tend to augment his suffering; and “to remain quiet and everything will soon be right”—or, in fact, that nothing is now wrong. This party is ever vigilant and, as it were, on the wing, endeavoring to counteract every popular move in the people except it should be recommended by themselves. I am sorry to say that I am induced to believe that this party (that is, the prime movers of it,) dread organization for fear of investigation, which they apprehend as the greatest evil which could possibly befall them.

This opposition, however, has not discouraged me from persevering in the discharge of my duty, and I confidently hope and believe that as soon as the people can be properly informed on this all important subject, they will see the necessity and propriety of the plan proposed, and comply with what I know to be their duty. In the mean time I must beg of your excellency and the good people in your department to consider the widely scattered population of this department, and the very great inconvenience of disseminating information among them, and still to remain firm to your purpose of bringing about the co-operation

of all Texas. I am confident in my own mind that the people of this department will act when they become informed, and when they do, they will act in a proper and constitutional manner. Presuming that you have also communicated with the Political Chief of Nacogdoches on the same subject, and that his department may not be so much disorganized as my own, nor so much contaminated by the workings of party spirit, and hence he may be able to co-operate with you on the plan proposed. If so, this department, seeing the propriety and necessity of the measure, would no doubt coincide with what the other departments of Texas might think proper to do, and in the mean time I will, in spite of all party opposition, endeavor to convince my fellow citizens of the absolute necessity of their proper action on the subject. I would be glad, from time to time, to communicate with your excellency on that and other subjects calculated to promote the interest of our common country. I will, on the constitutional plan, have all the municipal offices of my department filled out, with a confident hope that before Texas will be brought to feel the entire want of government, her different departments will be brought to act in unison, and co-operate to reinstate and restore, in a proper manner, a healthy

and legitimate government from the scattered fragments of her violated constitution. Confidently hoping and believing that this will be the case, I have the honor to tender to your excellency, and through you to the worthy citizens of your department, my highest respect and consideration. God, Mexico and Federation.

HENRY SMITH,
Political Chief Dep't of the Brazos.

On the 8th of November an election was held to elect two delegates to represent the jurisdiction of Brazoria in the proposed convention at Bexar, at which Henry Smith received every vote cast, with Dr. Branch T. Archer as his colleague. The convention, however, never assembled.

Here follows another letter from the pure and gifted Travis.

SAN FELIPE DE AUSTIN, Nov. 1, 1834.
Citizen Henry Smith, Political Chief, etc.

MY DEAR SIR:—Your several letters have reached me and I regret that I have not had time to answer them before, as our court has been in session for a week past and business has overwhelmed me.

I snatch a moment to say that I circulated the "officials" as you desired, but public opinion runs so high against any change that I doubt

whether anything can be done towards an organization of Texas at this time.

The central committee have met and you have, doubtless, by this time, seen their proclamation or report. The majority were against me and I knew it was useless to oppose them. Indeed, unless the people were more favorable to the plan than they are here, I should say let us remain quiet. For unless we are all united Texas can never sustain herself alone.

I have always been in favor of a State government and always shall be, provided we can be united and get it on peaceable terms.

I had thought that this would be a favorable opportunity to accomplish it; but there is such an overwhelming majority opposed to it, that it would be idle to attempt it. The farmers, the bone and sinew of the country, are unanimous against it. They are all doing well, and as long as people are prosperous they do not desire a change. Moreover, it is thought that any movement in Texas at this time would prejudice the situation of Col Austin, whose popularity was never so high as it is now. His sufferings have excited the sympathy of the people in his favor, and it is right that they should, for he has suf-

ferred in their service by faithfully representing their views and wishes.

I have not time to say more at present. I enclose you the copy of a handbill sent to you by the Secretary of State, which was issued on the election of Viesca to the general congress. It is in Spanish and English, on silk and paper—quite a compliment.

Your presence is very necessary here. There is no news worth communicating.

W. BARRETT TRAVIS.

P. S.—I send you several communications by Mr. Russell, and I regret to say that it will be next to impossible to convene the Ayuntamiento at this time, as two of the members are in the upper colony, one hundred and fifty miles from here.

I still am more decided in opinion that nothing can be done for Texas. It is not a faction that are opposed to organizing. In this jurisdiction it is the people, and that almost unanimously.

I am, however, for Texas, right or wrong, and never will oppose anything for her benefit. But unless we can be united, I again repeat, it would only be to make confusion doubly con-

founded to attempt to do anything towards a change

I am sorry that public opinion is so much against my own, but when I know and feel that it is, I can but submit. "C" and myself will forward your communication to Bexar.

Yours sincerely, TRAVIS.

The following from Dr. James H. C. Miller, the gallant commander in the Indian fight on the San Marcos, a few months later, explains itself:

GONZALES, Nov. 4, 1834.

Citizen Henry Smith, Political Chief.

EXCELLENT SIR:—Your favor of October 20th came to hand, disclosing your views of the most expedient course for Texas to pursue in the present crisis of her affairs.

I am much gratified in learning your sentiments on this subject, inasmuch as they are the views which I have entertained for some time; indeed, since the period of the revolution (in Mexico).

Eighteen days ago Judge Chambers arrived at this place from the interior. He here communicated his views, both private and officially, with the interesting intelligence that our Mexican brethren at Bexar were inviting us to co-operate with them in planning some form of exclusively

Texian government. Indeed he bore the communication of his excellency, the Chief of Bexar, (which you have no doubt by this time received,) calling on the other Chiefs to join in effecting the organization of a "Provisional Congress" at Bexar.

In conversation with the Judge, I suggested whether it might not be more expedient to organize under the old constitution of the State, assuming the principle that we have been abandoned by Coahuila, and thence, as occasion should require, proceed to modify the instrument the better to suit the peculiar state of Texas, as of necessity, thus laying the grave charge of conduct inconsistent therewith upon *her*, rather than by declaring a positive separation and adopting a new constitution, to become obnoxious to the same charge ourselves.

This course did then seem to me most politic and at the same time most just to ourselves. Further reflection had rendered this opinion a settled question, and now, excellent sir, allow me to say that by your able "exposition" you have made me only more decided in the conviction that some things in the consideration of this matter will present themselves: 1st.—That Texas is yet in a situation which renders future negotia-

tions on finally settling this question of "rights" a thing to be preferred by us to a war. 2d.—That, reduced to the necessity of having some government at this crisis, the mode you submit will have the merit of being less violent in its change and therefore have the acquiescence at the least of the Mexican population of the country. 3d.—That it will be to us everything that a State government would be, without its evils or cost.

Impressed, excellent sir, with the weight of these truths, to me self evident, I have to assure your excellency that you will be seconded by me in whatever I may do in consummating the plan suggested by you, and carrying it into due effect.

At the same time, desirous of promoting the best interests of my adopted country, and foreseeing alarming evils in bitterness and disunion among us, though such are my views and rule of action, yet, if Texas shall, by a majority of the representatives of her people, decide on going into a State government, even by a mode less proper, yet, I say I shall act with them, for some government, even though it adopt that plan, is indispensable.

Permit me, sir, to make my excuse for my communication, in the necessity for a cordial co-

operation among the friends of the country, though personally unknown to each other.

With sentiments of high consideration,
I am, excellent sir, yours respectfully,
JAMES H. C. MILLER.

The following from his friend, Travis, shows the status of the central committee and the people in and around San Felipe :

SAN FELIPE DE AUSTIN, Nov. 13, 1834.

My Dear Sir:—

Yours of the 7th is before me, and I am sorry to say I was absent at Fort Settlement when it arrived, so that the mail departed before I returned, and your dispatches for Bexar have not yet gone. I will send them by the very first conveyance.

I am extremely sorry the people could not harmonize on the State question, but so it is; there is such a majority against it that nothing can be done, as I told you in my last.

Accounts from Nacogdoches and Liberty state that the majority there is even greater than here against the measure. Reports from Matagorda are equally discouraging.

I am told that the elections have been held generally in the Department of Bexar.

You complain of the report of the central

committee. I agree that there are many illiberal remarks in it and that injustice is therein done to you. But it could not be helped. My voice in the committee was only one against six. It was therefore useless to oppose the views of the committee, especially when the same view of the subject was taken by the great mass of the people, whose will must be obeyed by all. I found myself almost alone. All my friends were opposed to my views. I could do nothing but yield to the voice of the majority, no matter what my individual opinion was, and that opinion you have long since had, for I have never had but one on the subject of a State, which I hope will in time prevail. But we must wait patiently for the moving of the waters. The course of events will inevitably tend to the right point, and the people will understand their rights; yea, and assert them too.

Your presence is absolutely necessary here. The nominations for Judges of the Municipalities have been sent up to this office and the commissions ought to be made out forthwith, or the people will be without judges next year. Many other matters demand your official attention here.

No matter what others may say, I have ever

believed in your honesty and integrity of purpose, and that you will fearlessly and faithfully discharge your duty.

I hope soon to see you at your post where duty calls you, zealously laboring in the cause of public good, and thereby defeating the machinations of your enemies.*

Your friend, WM. BARRETT TRAVIS.

From the jurisdiction of Matagorda came the following :

OLD CANEY, Nov. 14, 1834.

Citizen Henry Smith.

DEAR SIR:—Your letter, by Dr. Ervine, together with communications to the Ayuntamiento of Matagorda, came to hand, and the doctor was good enough to take them to ——'s house, who disapproved of the measure proposed, but said he would obey the order. But from what I learn he only advertised the election at Smith's shop, a rather secluded part of Bay Prairie. I have enquired and can hear of no other place. There was nothing of it known in Matagorda. I visited that place and believe the majority there and in Bay Prairie would have gone into an election, but it has been defeated by this neglect.

* Referring to those opposed to any official action to prepare safeguards for the future.

I advised the people to attend to it. But now I think the best we can do is to remain quiet and see to what extent the disorder will run. In the mean time keep ourselves as quiet spectators, and time will show the propriety of present measures. Very respectfully, R. R. ROYAL."

It seemed impossible that men, perhaps equally loyal to their adopted country, yet differing so widely in their views of what was most for her interest, could lay aside the prejudices and bitterness that had been engendered. The attitude of parties towards each other had become almost as hostile as that of their common enemy. But the constant encroachments of the latter, with the sudden conviction of a common danger crowding upon them, at last effected that which entreaty had failed to accomplish. Their hesitating steps towards a convention were thus quickened and opposition at last thrown to the winds.

TRAVIS CAPTURES A GARRISON.

The following letter from Travis to Citizen Henry Smith, just after he ceased to be Political Chief, will be found of interest:

SAN FELIPE, July 6, 1835.

MY DEAR SIR:—I hasten to write you a line by Mr. M. W. Smith, who is on hand to start for Columbia.

I have only time to say that I returned last evening from a successful expedition to Anahuac. On the 21st ultimo resolutions were adopted here, recommending that in connection with the general defence of the country against military sway, the troops at Anahuac should be disarmed and ordered to leave Texas. In addition to that I had been invited to go to Anahuac for the above purpose, by several of my friends who are the principal citizens of that place, and who were suffering under the despotic rule of the military.

Under these circumstances, I set out for Galveston Bay, raised a volunteer company of twenty men on Buffalo Bayou and San Jacinto, and being elected captain of the company, I proceeded to Anahuac in the sloop Ohio, with a six-pounder mounted on board. We landed on the 29th, took possession of the place and commenced active offensive operations. On the morning of the 30th the troops, about forty in number, capitulated, delivered us sixty-four stands of arms (muskets and bayonets) and agreed to leave Texas immediately under parole, never to serve against the people of Texas. I sent them, bag and baggage, to Harrisburg on board the sloop, and they are now on the march, without arms, to La Bahia.

This act has been done with the most pat-

riotic motives, and I hope you and my fellow citizens generally will approve it, or excuse it.

As to the aspect of affairs here there seems to be some dissention. An unholy band of speculators have taken a very active part and have attempted to force others to join in their views. It has disgusted many, and nothing they propose will go down. Offensive measures seem to be abandoned by the people, but I believe that all are determined to defend the country within our own limits to the last extremity. The 400 League Purchase and the authors of it will, I think, sink into insignificance. Public indignation is properly kindled against them and wo betide them if they ever attempt to rule Texas as they have done and to persecute those who are not willing to follow their zigzag course.

Let us be united and firm and all is safe. Let party strife cease for the moment. Common safety requires it.

Do write me immediately. The above is hasty and so please excuse.

As ever, your friend, TRAVIS.

This letter of July 6th, 1835, to Governor Smith, late Political Chief of the Department of the Brazos, recounts graphically the intermediate step between the initial triumphs at Velasco.

Anahuac and Nacogdoches in June and July, 1832, and the final opening of actual hostilities and revolution at Gonzales on the 28th of September, 1835. It will be remembered that Col. Austin, in his letter from Matamoros of 30th May, 1833, stated that George Fisher would be sent from Mexico to Galveston Bay as an officer of customs with a sufficient guard of Mexican soldiers to protect and enforce his authority. These soldiers, overcome by Travis and allowed to leave the country, were there under the orders referred to by Austin.

In closing a letter of August 4th, Travis, after expressing his great anxiety for unity of action, adds, "But it is unnecessary for me to stimulate you on a subject which I know you have always had at heart."

We quote thus freely from Travis, because his letters carry along the thread of events as they transpired, hastening the movements of the people, and his own career, to a speedy ending.

Before introducing other matter, let it be understood that, as foreshadowed in Austin's Matamoros letter, Anahuac was garrisoned by a company of Mexican troops, and that the notorious scoundrel known as "English Thompson" was on the coast as a naval officer in command of the

Mexican war schooner *Correo*. He was both a ruffian and a tyrant, and had, as assumed commander of all the ports on the Texas coast, made himself odious to the people. He was the moving spirit in so directing the garrison at Anahuac as to demand their expulsion from the country. After their departure by land, as stated by Travis, Thompson, from his vessel in Galveston bay, sent forth this

PROCLAMATION TO THE CITIZENS OF ANAHUAC, ETC.

Having seen by advertisements posted in front of principal stores in this city, signed by Judges Williams and Harding, under the pretence of having received orders from the Gefepolitico of these districts, and having in my possession a copy of a written document purporting to be signed by H. S. Raguet, dated Nacogdoches, July 3d, 1835, ordering the inhabitants of this place and vicinity to meet and elect officers for the purpose of organizing a militia, all of which are contrary to the laws of the government: Be it therefore known that I, T. M. Thompson, commander of the Mexican United States' schooner of war *Correo*, now at anchor in this port, do warn all good citizens from attending such meetings, and that none may plead ignorance hereafter, do publish and declare, in the name of the

Mexican nation, all such meetings to be illegal, dangerous, unnecessary and contrary to the constitution. The General Congress have passed a law, which is now in force, ordering every State to disband their militia, and I here find that in defiance of the government, you are organizing and arming yourselves, and have forcibly seized upon the arms of the Mexican nation. And for what? They tell you of dangers that do not exist—all Mexico is at peace and will continue to be so, if your own rashness does not lead you astray. Citizens of Anahuac, beware! Listen not to men who have no home, who have no family, who have nothing to lose in case of civil war, and who, by merely crossing the Sabine, can put themselves out of the power of the Mexican nation, leaving yourselves, wives and children a prey to the infuriated soldier, without protection and without friends. Citizens of Anahuac, remain at home, occupy yourselves in your daily avocations for the maintenance of your families, have confidence in the general government and all will be well. With all due respect and confiding fully in your good judgment, I subscribe myself your esteemed friend and fellow citizen *on board*. God and liberty.

THOMAS M. THOMPSON.

July 26th, 1835.

The following affidavit fully explains itself:

VELASCO, August 29th, 1835.

The undersigned, citizens of the department of Nacogdoches, in Texas, do hereby certify that on or about the 25th of July they sailed, in company with several other persons, from the town of Anahuac, to visit several places on Galveston Bay, and that Captain Thomas M. Thompson, commander of the Mexican schooner of war, *Correo*, then lying at anchor in this bay, weighed anchor on the same day, and invited ourselves and party on board his schooner, as we sailed together down the bay, which invitation was accepted, and while on board said schooner the owner of the sloop in which we sailed requested Capt. Thompson to give him a permit for his sloop to proceed in a few days to Velasco, with the subscribers, which permit the Capt. Thompson promised to give at Galveston Island. On our arrival at said island a few days after, however, the captain sent his boat out to us, but sent no permit, and proceeded the next day to sea, stating that he was bound for Matamoros. In the course of conversation on board the schooner, the captain said to us that he was authorized to cruise from Matamoros, along the coast, to the Sabine river, and that he was commandant of the ports included in those limits.

And the subscribers further certify that on or about the 10th instant they had engaged the sloop before mentioned, to sail from Anahuac to Velasco, and had put their property and provisions on board, but were prevented from sailing by head winds; that, during this delay, Capt. Thompson returned to Anahuac, and embargoed the sloop in which the subscribers had intended to sail, although there was at the same time a schooner about the same size and more seaworthy lying idle in the port; that the said Thompson being called on for an explanation, said that he had fallen in with Capt. Pettit of the schooner Bravo, who had given him dispatches from General Cos, directing him to return to the bay of Galveston and await the arrival of troops at that place, and that having important despatches and officers on board his vessel for Matamoros, he was under the necessity of having a vessel for that purpose, and that no other than the one he had taken would answer; that the property of the subscribers was ordered to be put ashore and the vessel taken alongside the Correo and refitted.

And the two subscribers, A. C. Allen and A. J. Yates, further state that they were subsequently informed by an officer on board the Cor-

reo, that the said Thompson did not take said sloop for the purpose of sending her to Matamoros, but merely to cruise on Galveston Bay; and further said that Capt. Pettit had given Capt. Thompson no new despatches, and it is in the knowledge of all the subscribers, from the owner of the sloop, or his agent, that said owner, fearful of losing his vessel entirely, proposed to Thompson that he should purchase her, and Thompson offered one hundred dollars therefor, which amount said owner was compelled to accept, though the same was not considered more than half her value. And said Thompson further stated to the subscribers that he had declared the port of Brazos in a state of blockade, and should take all vessels entering there as prizes; that he had notified Capt. Pettit to that effect, and should take him if he fell in with him. That the steamboat Cayuga was also a prize, and he intended to take her as such at the first opportunity. That he had landed three hundred troops at Copano and that a full and sufficient force under General Cos would be immediately introduced into Texas to retain it in submission. And I. N. Moreland, one of the subscribers hereto, further said that he heard the said Thompson offer one thousand dollars reward for

the apprehension and delivery of Capt. Travis to him, and adding thereto that he, Thompson, would swing said Travis at his yard arm in less than half an hour after his delivery; and A. C. Allen further states that he applied to said Thompson for a permit for the small schooner lying in said bay, to proceed to Velasco with the subscribers, and return with five barrels of flour and eighteen bags of coffee, of which articles the families and stores in Anahuac were nearly destitute at the time, and said Thompson refused said permit. * * * * * *

And said Moreland further says that he heard said Thompson say that all vessels and persons thereof, found sailing in the waters or on its coast without a permit from him, or in his absence from the Captain of the Port, when found, were liable to be seized and pressed into the Mexican service.

A. J. YATES.

I. N. MORELAND.

A. C. ALLEN.

Sworn and subscribed before me, August 29th, 1835.

J. BROWN, Commissario.

The country around San Felipe was divided in opinion as to the course of Travis in disarming

and sending out of the country the soldiers at Anahuac. He felt the shafts of calumny, as the following letter to his friend will show :

SAN FELIPE, August 5th, 1835.

My Dear Sir:—

I have this moment received your letter of the 3d inst., and I thank you for its contents. It breathes the advice of a true friend and corresponds with what has been my opinion all the time. I very reluctantly consented to publish that document at the earnest request of numerous friends, particularly Nibbs and Wharton, etc. I wrote it over once or twice, and still it did not please me. Mr. Wharton proposed to alter it, and I have given him directions to do so; but if the card had not gone out I should certainly be silent, for I know my motives were pure. I know I acted by the consent and approbation of the political authorities. I know that the people here all favored the measure, and I went into it believing it to be right and that it would meet the approbation of all—and, as you say, time can only determine whether it was a good or bad measure.

I was only an individual actor in the business. I joined the volunteer company which had collected for the purpose of taking Anahuac and

was elected its commander without my knowledge or solicitation. I see no reason why I should be singled out as the responsible person. Indeed, most men in this part of the country are satisfied with my course, and the public generally will be, I think, when they reflect on the matter, knowing the facts. Conscious that I have not intentionally erred, I bid defiance to any who may be disposed to persecute me, and feel assured that I have numerous friends to sustain me in it.

Do consult with J. A. Wharton as to what is best, and do it according to your united judgment. If that pledge in the card could be gotten over, I should feel satisfied to say nothing; but as I do not see how that can be done, suppose you publish the resolutions, with a dozen lines of explanatory remarks in my name. At all events let what is published be short and not in the tone of an apology, as I feel that I have none to offer.

You have my views of a convention in my letter of the 3d inst., sent by Wharton. I see no reason to change them. It may do to wait a little, but it seems to me important that the whole people should be consulted as to the course to be pur-

sued by Texas in the event of a central government being established.

Mr. Wharton can give the news which came by last mail. Please show this letter to him and request him to act in accordance with it and he will receive my hearty thanks.

Your friend, W. BARRETT TRAVIS.

We have not been able to procure a copy of the card to which Travis refers, and its contents must be inferred from the tenor of his allusions to it.

A GRAND STEP TOWARDS THE REVOLUTION.

At an adjourned meeting of the citizens of Columbia, held at the town of Columbia, on Saturday, August 15, 1835, among other resolutions were the following:

1. "*Resolved*, That a consultation of all Texas through her representatives is *indispensable*."

2. "*Resolved*, That a committee composed of fifteen persons, to be called a "Committee of Safety and Correspondence" for the jurisdiction of Columbia, be elected."

3. "*Resolved*, That we invest the "Committee of Safety and Correspondence," as our agents, with full power to represent the jurisdiction of Columbia, to use the most efficient means to call a consultation, and to use all means in their

power to secure peace and watch over our rights."

In compliance with the second resolution, the following gentlemen were elected a "Committee of Safety and correspondence:"

Henry Smith, John A. Wharton, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams, Wm. H. Jack, F. A. Bingham, John Hodge, Wade H. Bynum, Dr. Branch T. Archer, Wm. T. Austin, P. Bertrand and Isaac T. Tinsley.

WM. H. WHARTON, Chairman.

WM. T. AUSTIN, Secretary.

On seeing the proceedings of this meeting, the ever faithful Travis sent the following:

SAN FELIPE, August 24, 1835.

My Dear Sir:—

I received yours of the 15th yesterday, and am much gratified at the result of your meeting at Columbia. I hope all Texas will follow the example. This neighborhood is unanimous for a grand council of all Texas—but I am told that ——— is violently opposed to it, and has sworn that it shall not be held; that there shall be a counter-meeting and counter-resolutions at Columbia. This is only rumor, however, as I have not seen him lately.

I shall probably send you some articles for

publication upon the affairs of Texas. If I do, I will thank you to have them transcribed by a confidential hand and published under your inspection. But I do not wish the printer, or anybody else, except Wharton, to know the author. I admire the spirit of the people of Velasco. Let the towns be once garrisoned and we are slaves. Give my respects to Wharton, and believe me as ever your friend.

To Henry Smith.

W. B. TRAVIS,

Advices from Mexico, through Dr. James Hewetson, of Saltillo, were that about the 23d of August, orders were issued to speedily establish large garrisons at San Felipe, Nacogdoches, Tenoxtitlan, Anahuac and Velasco, and it became known that Gen. Cos had already reached San Antonio with several hundred men—the evident intention being to expel large numbers of American patriots from the country and overawe the remainder. Travis, in this crisis, communicated these startling rumors to his friend Smith, by letter dated September 15th, the day on which Col. Austin reached the mouth of the Brazos, from Mexico, to find the people ripe for action, rapidly organizing and everything indicating an appeal to arms.

In the fullness of his heart, Travis wrote :

“Principle has at last triumphed over prejudice, cowardice and selfishness. The tories are routed, horse and foot. The unqualified submission men are ashamed to hold up their heads. You will be agreeably surprised to hear that the whole upper country has come out almost unanimously for a convention. Nacogdoches and the whole East have come out for it. I have just heard similar accounts from Matagorda. We are to have a great meeting here on the 12th on the subject, when I think it will be carried by an overwhelming majority. All will become united in resistance to a military government. Coahuila and Texas have been created into a military government and Col. Bradburn is now at Monclova organizing the same. The news is given by a letter from Dr. Hewitson, of Saltillo, which was received here yesterday.

Your friend, WM. BARRETT TRAVIS.

Tidings of this kind sent a thrill of joy through the heart of Henry Smith, who saw in them the glimmerings of the early independence of Texas.

On the 18th of September Travis briefly wrote his friend :

“Your district has much talent. I have been

lamenting that there was not room for all. I am extremely anxious for you to be in that convention. I want to see that body composed of men talented, firm and uncompromising.

Your friend, TRAVIS."

At the election for delegates to the consultation, or convention, to assemble at San Felipe on the 16th of October, Brazoria elected Henry Smith, John A Wharton, Edwin Waller and J. S. D. Byrom.

The following notification of the election of Governor Smith manifests the light in which he was held by the distinguished orator and patriot by whom it was written:

BRAZORIA, October 9, 1835.

Citizen Henry Smith:—

MY DEAR SIR:—It affords me great pleasure to announce to you that your fellow citizens of the Jurisdiction of Columbia have elected you to represent them in the consultation of the 16th of October.

The high opinion I entertain of your integrity and ability satisfies me that you will prove yourself every way worthy of the great confidence reposed in you.

To the high mark of distinction which your fellow citizens have paid you, I am prompted to

add my individual considerations, and at the same time to assure you that no result could afford me more pleasure. Your obedient servant,

WM. H. WHARTON,
Chairman of Committee of Safety.

The consultation met at San Felipe on the 16th of October, calling R. R. Royal, of Matagorda, to the chair, and Samuel Whiting acting as Secretary. On calling the roll it was found that there was not a quorum present, quite a number of the members elect having gone with the volunteers assembling at Gonzales. It was therefore resolved to adjourn to November 1st, "so as to afford an opportunity for those who may desire it, to join the army in the defence of their country."

The consultation met again on the 1st of November, 1835, but a quorum did not appear till the third, when Dr. Branch T. Archer was elected President, and P. B. Dexter, Secretary.

R. R. Royal, as chairman of a committee, or quasi council, of one from several different municipalities that had been located in San Felipe since July, reported their action and surrendered to the convention all their papers and correspondence.

Thus was inaugurated the first organization,

springing directly from the sovereignty of the people, designed to oppose by arms the destruction of their liberties by the military despots and usurpers of Mexico.

Yet there was much variance of opinion and more or less bitterness of spirit between those in favor of independence, of whom Henry Smith, John A. Wharton and Branch T. Archer were champions and recognized leaders, and those who advocated resistance to the usurpers in favor of the Federal Constitution of 1824—an instrument already trampled in the dust in every part of Mexico, even in Coahuila, the ruling portion of the united State of Coahuila and Texas.

On the 3d, Sam Houston offered the following resolution which was unanimously adopted:

“WHEREAS, the “General Convention of all Texas Assembled,” have learned, with great pleasure, that a detachment of the army of the people under the command of Col. James Bowie and Capt. J. W. Fannin, on the morning of the 28th of October, encountered a detachment of the army under Gen. Cos, consisting of about four hundred men, cavalry and infantry, while their force only consisted of ninety-two men, rank and file, near the Mission of Concepcion, and obtained a complete victory over them, while the loss of

the Anglo-Americans was only one man dangerously wounded, and the loss of the enemy was sixteen found dead on the field of battle, with the supposed loss of sixteen more borne off; therefore

“Resolved, That the thanks of this Convention be rendered to Gen. Stephen F. Austin, Commander in Chief, Col. James Bowie and Capt. J. W. Fannin, with the troops engaged in the action, as a tribute due to their heroism, gallantry and valor in the defence of the rights of Texas and constitutional liberty.”

On the 9th of October, Goliad was taken, Capt. Collingsworth commanding the Texians. Our loss was only one man wounded.

On motion of John A. Wharton, it was

“Resolved, That the thanks of all Texas, represented in this convention, be tendered to Capt. George M. Collingsworth and his associates in arms, for their gallant conduct in taking Goliad, and that the Secretary furnish them with a copy of the same.”

THE FIRST “DECLARATION,” NOVEMBER 7TH, 1835.

On the third day of the session, November 3d, on motion of John A. Wharton, a committee of twelve—one from each municipality then represented—was appointed to prepare an address

“setting forth to the world the causes that impelled us to take up arms and the objects for which we fight.” This committee consisted of John A. Wharton, of Brazoria, Chairman, William Menefee, of Austin, R. R. Royal, of Matagorda, Lorenzo de Zavala, of Harrisburg, Asa Mitchell, of Washington, William S. Fisher, of Gonzales, Robert M. Williamson, of Bastrop, Sam Houston, of Nacogdoches, A. Houston, of San Augustine, Wyatt Hanks, of Bevil, Henry Millard of Liberty and Samuel T. Allen, of Viesca.

The character of the “declaration” to be made was discussed in the convention on the 4th, 5th and 6th. Wharton, Henry Smith and others favoring a declaration of independence, and others a declaration in favor of the constitution of 1824. A test vote on the 6th stood, for independence 15, for the constitution of 1824, 33.

On the 7th, Mr Wharton, on behalf of the committee, reported a declaration, which, it will be seen, though responsive to the views of the majority, sets forth ample justification for a declaration of independence by enacting firstly, “that Texas is no longer morally or civilly bound by the compact of union,” and secondly “that they do not acknowledge that the present author-

ities of the nominal Mexican Republic have the right to govern within the limits of Texas."

The instrument, after discussion, was unanimously adopted and signed as follows:

DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION ASSEMBLED.

WHEREAS, General Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the Federal institutions of Mexico and dissolved the social compact which existed between Texas and other members of the Mexican Confederacy, now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE:

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the Federal Constitution of Mexico of 1824.

2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican Confederacy as will take up arms against military despotism.

3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against said authorities whilst their troops are within the limits of Texas.

5th. That they hold it to be their right, during the disorganization of the federal system and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

6th. That Texas is responsible for the expenses of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

These declarations we solemnly avow to the world and call God to witness their truth and

sincerity, and invoke defeat and disgrace upon our heads should we prove guilty of duplicity.

BRANCH TURNER ARCHER,
President.

Municipality of Austin.—Wiley Martin, Randall Jones, Jesse Burnam, Wm. Menefee.

Municipality of Nacogdoches.—Sam Houston, Jas. W. Robinson, William Whitaker, Daniel Parker.

Municipality of Washington.—Philip Coe, Elijah Collard, Jesse Grimes, Asa Mitchell, Asa Hoxey.

Municipality of Harrisburg.—Lorenzo de Zavala, C. C. Dyer, John W. Moore, M. W. Smith, David B. McComb.

Municipality of Liberty.—George M. Patrick, Wm. P. Harris, Henry Millard, J. B. Woods, A. B. Hardin.

Municipality of Gonzales.—Wm. S. Fisher, J. D. Clements, George W. Davis, James Hodges, William W. Arrington, Benjamin Fuqua.

Municipality of Tenaha.—Martin Parmer.

Municipality of Columbia.—Henry Smith, John A. Wharton, Edwin Waller, John S. D. Byrom.

Municipality of San Augustine.—A Houston, William N. Sigler, A. E. C Johnson, Alex. Horton, A. G. Kellogg.

Municipality of Mina.—D. C. Barrett, J. S. Lester, R. M. Williamson.

Municipality of Matagorda.—R. R. Royal, Charles Wilson. [Absent, James Kerr.]

Municipality of Bevil—S. H. Everitt, John Bevil Wyatt Hanks.

Municipality of Viesca.—Samuel T. Allen, A. G. Perry, J. G. W. Pierson, Alexander Thompson, James W. Parker.

Municipality of Jefferson.—Claiborne West.
P. B. DEXTER, Secretary.

On motion of John A. Wharton, it was

“Resolved, That the Governor and Council be empowered to issue writs of election to fill any vacancies that may occur in this body, and for the representation of those jurisdictions not yet represented; or to cause a new election in toto for delegates to the Convention of the first of March next.”

It was under this important resolution that the Council, on the 15th of December, 1835, called the Convention of Independence, to be clothed with plenary powers, to meet in Washington on the first of March, 1836.

On motion of Sam Houston, all members present signed the declaration, and all absentees were requested to do so when convenient, which James Kerr, of Jackson, John J. Linn, of Victoria, and perhaps others did at a later day.

In pursuance of a resolution submitted by Mr. Millard, of Liberty, a committee of twelve, one from each municipality represented in this consultation, was appointed by the president to draw up and submit a plan, or system, for a "Provisional Government for all Texas." The President appointed Messrs. Millard, Henry Smith, Jones, Wilson, Dyer, Hoxey, Lester, Arrington, Robinson, Everitt and A. Houston.

Henry Smith chiefly drew the plan for the civil government and A. Houston of the military, and they were reported to the consultation November 9th, and, with slight modifications, adopted as an organic act or decree on the 11th, when it was enrolled and signed, as had been the Declaration.

This original act of sovereignty by the people of Texas, through their chosen delegates, deserves a place in this work, and is, therefore, inserted in full, as follows:

THE PLAN OF THE PROVISIONAL GOVERNMENT.

ARTICLE I.

THAT there shall be, and is hereby created, a "Provisional Government" for Texas, which shall consist of a Governor, a Lieutenant-Governor, and a Council to be elected from this body, one member from each municipality, by the majority of each separate delegation present, and the Governor and Lieutenant-Governor shall be elected by this body.

ARTICLE II.

The Lieutenant-Governor shall be President of the Council, and shall perform the duties of governor in case of the death, absence or other inability of the governor, during which time a "president pro tem" shall be appointed to perform the duties of the lieutenant-governor in council.

ARTICLE III.

The duties of the General Council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires, ever keeping in view the army in the field, and the means necessary for its comfort and support. They shall pursue the most effective and energetic

measures to rid the country of her enemies and place her in the best possible state of defence. *Two-thirds of the members elect of the General Council* shall form a quorum to do business; and in order that no vacancy shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately, on information thereof, notify the member elected to fill vacancies, and on his default, any member who has been elected to this body from the same jurisdiction. The governor and council shall be authorized to contract for loans, not to exceed one million dollars, and to hypothecate the public lands and pledge the faith of the country for the security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be most expedient.

They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians concerning their land claims, and if possible, to secure their friendship. They shall establish postoffices and postroads and regulate the rates of postage, and appoint a Postmaster General, who shall have competent powers for conducting this department of

the Provisional Government, under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeably to the law of nations.

They shall have power to appoint their own secretary, and other officers of their own body; also that they have the power to create and fill such offices as they may deem proper: *Provided nevertheless*, That this power does not extend to officers heretofore rejected by this house.

That the governor and council have power to organize, reduce or increase the regular forces as they may deem the emergencies of the country require.

ARTICLE IV.

The governor, for the time being and during the existence of the provisional government, shall be clothed with *full* and *ample* executive powers, and shall be commander in chief of the army and navy, and of all the military forces of Texas by sea and land; and he shall have full power, by himself, by and with the consent of the council, and by his proper commander, and other officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special de-

fence and safety of the country, to assemble and put in warlike attitude the inhabitants thereof, and to lead and conduct them by their proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer, by all proper ways and enterprizes and means whatever, all and every such person or persons as shall at any time, in a hostile manner, attempt or enterprize the destruction of our liberties, or the invasion, detriment or annoyance of the country; and by his proper officers use and exercise over the army and navy and the militia in the actual service, the law martial, in times of war, invasion or rebellion, and to take or surprise by all honorable ways and means consistent with the law of nations, all and every such person or persons, with their ships, arms, ammunition and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying our adopted country. And that the governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

ARTICLE V.

There shall be constituted a Provisional Judiciary in each jurisdiction represented, or which shall be represented in this house, to consist of two judges, a first and second, the latter only to act in the absence or inability of the first, and be nominated by the council and commissioned by the governor.

ARTICLE VI.

Every Judge so nominated and commissioned shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England ; he shall have power to grant writs of "habeas corpus" in all cases known and practiced to and under the same laws: he shall have power to grant writs of sequestration, attachments or arrest, in all cases established by the "civil code" and "code of practice" of the State of Louisiana, to be regulated by the forms thereof ; shall possess full testamentary powers in all cases, and shall also be made a court of record for conveyances, which may be made in English, and not on stamped paper, and that stamped paper be, in all cases dispensed with ; and shall be the notary public of their respective municipality. All office fees shall be regulated by the governor and

council ; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct. Each municipality shall continue to elect a sheriff, alcalde and offices of ayuntamientos.

ARTICLE VII.

All trials shall be by jury ; and, in criminal cases, the proceedings shall be regulated upon the principles of the common law of England, and the penalties prescribed by said laws, in cases of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted ; for which purpose a reasonable time shall be allowed to every convict to make his application to the governor and council.

ARTICLE VIII.

The officers of the Provisional Government, except such as are elected by this house, or the people, shall be appointed by the general council, and all officers shall be commissioned by the governor.

ARTICLE IX.

All commissions to officers shall be in the name of the people, "free and sovereign," and signed by the governor and secretary ; and all pardons and remissions of fines granted, shall be signed in the same manner.

ARTICLE X

Every officer and member of the Provisional Government, before entering upon the duties of his office, shall take and subscribe to the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the Republican principles of the Constitution of Mexico of 1824, and obey the declaration and ordinances of the 'consultation of the chosen delegates of all Texas in general convention assembled,' and the decrees and ordinances of the Provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, to the best of my abilities, so help me God."

ARTICLE XI.

On charges and specifications being made against any officer of the Provisional Government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in the opinion of two thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

ARTICLE XII.

The governor and council shall organize and enter upon their duties immediately after the ad-

jourment of this house and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

ARTICLE XIII.

The General Council shall appoint a Treasurer, whose duties shall be clearly defined by them and who shall give approved security for their faithful performance.

ARTICLE XIV.

That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers and

documents found in the several land offices, one of which shall be given to the Governor and Council, one left in the hands of the land office, the other to be retained by the said person: and they are enjoined to hold such papers and documents in safe custody subject only to the order of the Provisional Government, or such competent authority as may be hereafter created; and the said persons shall be three from each department as commissioners to be forthwith appointed by this house to carry this resolution into full effect, and report thereof to the government and council, (and that the political chiefs immediately cease their functions). The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election or appointment; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos and Bexar, shall be transmitted forthwith to the Governor and Council for their disposition.

ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land shall be entitled to the benefit

of the law on colonization, under which they immigrated, and all persons who may immigrate to Texas during her conflict for constitutional liberty, and perform the duty of citizens, shall also receive the benefits of the law under which they immigrated.

ARTICLE XVI.

The Governor and Council shall continue to *exist as a Provisional Government*, until the reassembling of this consultation, or until other delegates are elected by the people, and another government established.

ARTICLE XVII.

This convention when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington, (Texas,) on the first day of March next, unless sooner called by the executive and council.

ARTICLE XVIII.

All grants, sales and conveyances of lands illegally and fraudulently made by the State of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null and void, and of no effect.

ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation

in its present struggles, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government: *Provided, nevertheless*, that widows and minors are not included in this provision.

ARTICLE XX.

All monies now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the Governor and General Council, and the receipt of the Treasurer shall be a sufficient voucher for any and all persons who may pay monies into the treasury; and the Governor and Council shall have power to adopt a system of revenue to meet the exigencies of the State.

ARTICLE XXI.

Ample power and authority shall be delegated and are hereby given and delegated to the Governor and General Council of the Provisional Government of all Texas, to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of all Texas in general convention assembled, for the creation, establishment and regulation of the said Provisional Government.

[The army regulations in most of their details resembled those of the United States, excepting as follows:]

ARTICLE VIII.

The regular army of Texas shall consist of 1120 men, rank and file.

ARTICLE IX.

There shall be a corps of rangers under the command of a major, to consist of 150 men, to be divided into three or more detachments and which shall compose a battallion under the commander in chief when in the field.

ARTICLE X.

The militia of Texas shall be organized as follows: All able bodied men, over 16 and under 50 years of age, shall be subject to military duty.

ARTICLE XI.

Every inhabitant of Texas, coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one Captain, one 1st Lieutenant and one 2nd Lieutenant, to every 56 men, and the governor shall transmit commissions to the same. Four companies shall be entitled to a Major; five or more to a Lieutenant Colonel and, with a Colonel for the

command of all, shall constitute a regiment, and if more than one regiment in a municipality, out of their number they may elect a Brigadier General, who shall command the whole militia in the said municipality.

BRANCH T. ARCHER,
President.

On the 12th of November, following the adoption of the organic act, the Consultation proceeded to the election of officers to carry out its provisions.

For Governor, Mr. Wiley Martin nominated Stephen F. Austin and Mr. Martin Parmer nominated Henry Smith.

For Governor, Henry Smith received 31

“ “ Stephen F. Austin “ 22

For Lieutenant Governor, James W. Robinson received 52, being all present, excepting himself.

Smith and Robinson were declared elected.

The Consultation next elected as Commissioners to the United States Messrs. Branch T. Archer, William H. Wharton and Stephen F. Austin, who were to be commissioned by the governor, in accordance with the following resolution:

Resolved, That there shall be three commissioners appointed by this body as agents to the United States of North America to be commis-

sioned by the governor and council, who shall delegate them such powers and give them such instructions as the Governor and Council may deem expedient.

COMMANDER-IN-CHIEF.

Gen. Sam Houston was next unanimously elected Major General, (Commander-in-Chief), of the armies of Texas.

THE GENERAL COUNCIL.

Under the provisions of the Organic Act, the following persons, one from each municipality represented, were selected as members of the General or Legislative Council :

Municipality of San Augustine.—A. Houston.

- “ *Austin.*—Wm. Menefee.
- “ *Nacogdoches.*—Daniel Parker.
- “ *Washington.*—Jesse Grimes.
- “ *Viesca.*—A. G. Perry.
- “ *Mina* —D. C. Barrett.
- “ *Liberty.*—Henry Millard.
- “ *Teneha.*—Martin Parmer.
- “ *Gonzales.*—J. D. Clements.
- “ *Matagorda.*—R. R. Royal.
- “ *Harrisburg.*—W. P. Harris.
- “ *Columbia.*—Edwin Waller.
- “ *Bevil.*—Wyatt Hanks.

The oath of office was then administered by the President of the Consultation to the officers of the "Provisional Government."

It is proper here to state that during the existence of this council, the municipalities of Colorado, Jackson and Sabine were created and allowed representation. The names of several municipalities were changed, as "Teneha" to "Shelby," "Bevil" to "Jasper," "Mina" to "Bastrop," "Viesca" to "Milam."

It must also be borne in mind that frequently a member would retire and be succeeded by some other member of the Consultation from his municipality. It is necessary, therefore, in justice to all to subjoin the following list of all who, for longer or shorter periods, served in the council, though never but one, at the same time, from the same municipality.

Municipality of Austin.—Wiley Martin, Thos. Barnett, William Menefee and Randall Jones.

Municipality of San Augustine.—A. Houston, A. E. C. Johnson.

Municipality of Colorado.—William Menefee, Jesse Burnham.

Municipality of Nacogdoches.—Daniel Parker.

Municipality of Washington.—Jesse Grimes, Asa Mitchell, Asa Hoxey, Philip Coe, Elijah Collard.

Municipality of Liberty.—Henry Millard.

Municipality of Milam.—A. G. Perry, Alex. Thompson.

Municipality of Shelby.—Martin Parmer, Jas. B. Tucker.

Municipality of Gonzales.—J. D. Clements.

Municipality of Bastrop.—D. C. Barrett, Bartlett Sims.

Municipality of Matagorda.—R. R. Royal, Charles Wilson, Ira R. Lewis, James Kerr.

Municipality of Harrisburg.—William P. Harris.

Municipality of Brazoria.—John A. Wharton, Edwin Waller.

Municipality of Jasper.—Wyatt Hanks.

Municipality of Jefferson.—Claiborne West, G. A. Patillo.

Municipality of Victoria.—J. A. Padilla, John J. Linn.

Municipality of Refugio.—James Power, John Malone.

Municipality of Goliad.—Ira Westover.

Municipality of San Patricio.—Lewis Ayers, John McMullen.

Municipality of Sabine—J. S. Lane.

Municipality of Jackson.—James Kerr, who represented the old municipality of Matagorda till the creation of Jackson, in which he resided and thereafter represented The same remarks apply to William Menefee, who first represented the old municipality of Austin—then the newly created one of Colorado.

The Secretaries of the council were P. B. Dexter and Elisha M. Pease.

The Secretaries of the governor were Dr. Charles B. Stewart and Edward B. Wood.

We copy the report of Mr. D. C. Barrett, Chairman of a select Committee, to whom was referred sundry papers and letters connected with military operations, as it gives a clear idea of the state of affairs when Governor Smith entered upon the arduous and delicate duties of his office as Governor.

THE REPORT.

To the President of the Consultation.

Your Select Committee beg leave to report that the communication of Stephen F. Austin of the 5th instant, present several matters interesting and important in our present attitude of resistance against the destroyers of our constitution, and the principles of a military despotism.

First: The granting letters of marque and reprisal, to cruisers on the high seas by the "Provisional Government of Texas."

The Consultation in adopting the declaration of the 7th of November, have organized this power and by the provisions of the resolution constituting a Provisional Government, have vested this authority in the Governor and General Council.

The *second* contemplates an expedition from New Orleans against Matamoros.

This subject your committee regard as important and concur with the views of the commanding general (S. F. Austin) as to its certain effect of crippling the enemy and distracting his movements. Your committee, hereby have it in their power (from documents in their possession) to inform this house, that a small force of 150 men, commanded by Gen. Mexia, armed and equipped at his own expense, has sailed from New Orleans for the port of Tampico or Matamoros, and that a descent from that quarter, from whatever source, in the opinion of your committee, will produce the consequences of annoying the enemy at an unexpected point, and prevent reinforcements being sent to Bexar. Should further operations, hereafter, seem expedient in aiding

Gen. Mexia, it enters into the duties of the "governor and council" of Texas.

Your committee feel bound to report to this house the grateful emotions induced by the disinterested offer of Maj. Francis F. Belton, of the United States army, to become the inspector of cannon, arms and military stores to be purchased at New Orleans and Mobile for the use of Texas; and recommend that his services be accepted, and a vote of thanks be passed and recorded upon the journals of this house, and that a copy thereof be forwarded by the president to Maj. Belton, at the same time informing him of the appointment of Capt. E. Hall, an experienced officer, who is now engaged in performing the same duties, upon a similar offer, who will be united with him.

Your committee, in reporting the magnanimous and generous patriotism of Stephen F. Austin, J. W. Fannin and B. F. Smith, in their prompt and voluntary offer, to place their lands and other property at the disposal of this house, to be used as sureties for raising funds in aid of their suffering country, at war with the enemies of their rights and liberties, rejoice in seeing such noble acts recorded with the proceedings of this body in such times of difficulty and danger, and recommend a letter of thanks, expressive of the

grateful sense of this house, for the offers so benevolent and liberal, and that this house accept their several offers, to be used only when imperiously demanded in the most extreme emergency.

Your committee, before closing this report, would respectfully call the attention of this house to the army now in the field.

This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the "Provisional Government." *Advisory communications* are all that can be made to them. Nevertheless, your committee recommends that every honorable inducement should be held out to them for their continuance in their country's service, at any rate until a regular army be ready to take the field, and should Bexar so long hold out against their efforts.

Already have this house passed resolutions for their individual compensation, when the resources of the country will permit.

The land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of land; the grati-

tude of this body, as the representatives of the people of Texas, has been twice expressed and entered upon the journals of this house and every effort used to afford supplies of ammunition and provisions within the power of the late council and this body. These efforts we recommend to be continued and that this house recommend the members of the army to elect such officers as are wanting and that *all the officers report themselves to the governor and council for commissions*; that their respective ranks be known of record, for purposes obviously necessary for their future compensation, and that of the soldiers under them, who may receive discharges from their respective officers that they may be fully known when a grateful country shall be able to express her thanks in bounties more substantial than mere words. Your committee recommend that the army be encouraged to persevere, with the assurance that every exertion will be used by the "Provisional Government," to aid, comfort and support it, which it has within its power, and will co-operate in forwarding its operations.

Your committee would suggest, that much encouragement is afforded for perseverance in military operations, from the unsettled state of the Mexican Government. The apprehension of

resistance from the citizens of that Republic, is admitted in a late report of a committee of their Congress, contained in their plan of a form of government, intended to be enforced upon the people by the exertion of military power, against their consent. This disposition will prevent the usurper, Santa Anna, from reinforcing the troops now arrayed against Texas; and gives hopes of a co-operation of our Mexican brethren, in the glorious cause of liberty and the constitution, in which Texas has set the noble example.

D. C. BARRETT,
Chairman of Committee.

The Consultation met November 14th, the last day of their session of 11 days; read the proceedings of the previous day, passed resolutions of thanks to their President, Branch T. Archer, and their Secretary, P. B. Dexter, and adjourned to meet again on the first of March, 1836, unless sooner called by the governor and council; and it was also

“Resolved, That all the members of this body who can, repair to San Antonio, to assist our fellow citizens in the field.”

BRANCH T. ARCHER,
President.

The arduous and responsible duties of the Consultation were completed and we shut the door, as upon the dead. They builded wiser than they knew—the God whom they had invoked directing, overruling all.—We cherish their memories, admire their patriotism and fortitude and drop a tear over their ashes.

THE PROVISIONAL GOVERNMENT.

The new government entered upon duty on the same day—November 14, 1835—upon which the Consultation adjourned.

Governor Smith, (who at once appointed Dr. Charles B. Stewart as Executive Secretary), was duly notified of the organization of the council, of which body P. B. Dexter was elected Secretary, and on the 15th he communicated to them his first message, which, in justice to him and the verity of history is here given.

GOVERNOR SMITH'S FIRST MESSAGE.

EXECUTIVE DEPARTMENT, }
SAN FELIPE, November 15, 1835. }

To the President and members of the Legislative Council of Texas:—

Gentlemen.—Called upon to discharge the duties of the Supreme Executive of the free and sovereign State of Texas, I commence the task not without distrust of my abilities, but

relying chiefly upon your support, and the indulgence of an intelligent and well disposed people, I am inspired with confidence and cheered by the hope that our united efforts to promote the public good, will not prove unavailing.

I trust there is not one of your honorable body insensible to the many dangers that threaten, surround and overhang our adopted country ; that there is not one who does not feel the great trust confided, and who is not aware of the heavy responsibilities which necessarily devolve upon us. In the outset, in the very beginning, ere one error is committed or an act performed, I call upon you to summon to your assistance, moral courage ; to throw around you the impenetrable shield of honesty ; to march onward in the pathway of duty, and undauntedly to meet the dangers and obstacles which chance or design may throw in your way. If we cower or shrink beneath the task, shame and disgrace await us, and ruin irretrievable to our adopted country. Contemplate the task before you, the dangers to be encountered, and the obstacles to be removed or surmounted, and decline the task, or make a beginning with a firm determination faithfully and fearlessly to perform your duties.

I thus take the liberty to admonish you, because no common duties devolve upon you.

You have to call system from chaos ; to start the wheels of government, clogged and impeded as they are by conflicting interests, and by discordant materials. Without funds, without the munitions of war, with an army in the field contending against a powerful foe : these are the auspices under which we are forced to make a beginning.

Our country is now involved in war. Our foe is far superior to us in numbers and resources. Yet when I consider the stern materials of which our army is composed, the gallant and heroic men that are now in the field, I regard not the disparity of numbers, but am satisfied that we could push our conquests to the walls of Mexico. I earnestly recommend that you adopt the most prompt and energetic measures in behalf of the army ; that you forthwith provide all the necessary munitions of war, so that the army may not be cramped or impeded by any remissness on the part of the government, and that you be careful to select agents of known skill and science to purchase artillery and other munitions.

Another important matter, will require your immediate attention. Our frontier and sea-port

towns are unprotected and exposed to the mercy of the enemy. The policy of having them well fortified must be obvious to all. I therefore recommend the organization of a civil topographical engineer corps, and the commencement of the work of fortification and defence without delay.

I recommend the granting of letters of marque and reprisal, by doing which we can not only prevent invasion by sea, but we can blockade all the ports of Mexico and destroy her commerce, and annoy and harrass the enemy more in a few months than by many years of war carried on within our own limits. My own mind is satisfied that the whole of our maritime operations can be carried on by foreign capital and foreign enterprise. Already applications for commissions have been made; they are willing to take the hazard, as such affords them every encouragement.

Provisions have already been made for the organization of a corps of rangers, and I conceive it highly important that you should place a bold, energetic and enterprising commander at their head. This corps, well managed, will prove a safeguard to our hitherto unprotected frontier inhabitants and prevent the depredations of those savage hordes that infest our borders. I conceive

this very important at this moment, as it is known that the Mexican authorities have endeavored to engage them in a war with us.

Volunteers from foreign countries are daily reaching our shores and enlisting in our cause. These gallant and chivalrous men are actuated alone by the noblest motives; no sordid or mercenary considerations have induced them to leave their homes and share our fate. Let us then act with becoming generosity, and *unasked*, give valor its reward. I recommend this not only that the world may know what are the inducements that Texas holds forth to the brave and enterprising; but in order that it may be now settled and not hereafter become the cause of dissatisfaction.

7. Some of our red brethren of the Cherokee, Shawnee and others of their associate bands, are located on certain lands within our limits, to which it is generally understood they have a just and equitable title. They have lately been interrupted in their title by surveys and locations within the limits which they claim, which has created among them great dissatisfaction. I therefore recommend that you second the measures of the late convention in this matter and never desist until the objects contemplated by that body be carried into effect.

8. I recommend the employing of agents for foreign countries; that they be clothed with special powers, and that they be sent to different points, with a view of procuring for Texas all the aid and assistance that a generous and sympathizing world will bestow.

9. I would also recommend the establishment of a tariff, and the appointment of revenue officers to collect imports and tonnage duties; also a collector for the purpose of collecting all sums due the government on lands or other sources.

10. I would now call your attention to the postoffice department and would recommend the appointment of a postmaster-general. The appointment made by the previous council I highly approve, and trust under your care that this department will flourish and extend its benefits to every section of the country. I further recommend an express department to continue during the war.

11. No time should be lost in the organization of the militia, nor in the local civil organization of the different jurisdictions of Texas in conformity with the plan of the Provisional organization of the government.

12. You will find it necessary to appoint a treasurer, and perhaps other officers which you may hereafter find requisite.

13. It will also become your duty to select some place as the seat of government, at which to hold your regular sittings during the continuance of the present form of government. In doing this you will throw aside all local partialities and prejudices, and fix on that point possessing most advantages, and the best calculated to forward our views, by giving promptness and energy to our united actions. I therefore deem it unnecessary to make further suggestions on that subject, and will only add that a council hall, together with other offices for the different departments of government, is indispensable.

14. I have now, gentlemen, touched upon all the matters of importance that have presented themselves to me. Doubtless many have escaped my observation, which you will detect. I will, from time to time, present such other matters for your consideration as may occur to me. Again permit me to remind you of the necessity of acting with energy, boldness and promptitude—that the welfare of thousands depends upon your actions. Your country possesses immense resources if properly developed; it is for you to

quicken and enliven the body politic, and make Texas the Eden of America.

I conclude, gentlemen, by expressing the hope that the Supreme Ruler of Nations will smile upon your council, and that by our united efforts, we will be enabled to place Texas in a situation to become what the God of nature designed her to be, a land of liberty and of laws—of agriculture and of commerce—the pride and support of our lives, and a legacy of price unspeakable to posterity.

HENRY SMITH.

This brings us to a marked era in the history of Texas!—a Provisional Government organized, with the necessary officers and agents installed, at the head of all of which stood citizen Henry Smith, as Governor—the pioneer of 1827! the school teacher in the canebrakes of the lower Brazos! the accomplished district surveyor! the tried and faithful alcalde! the secretary of the ayuntamiento! the first American political chief! a unanimously elected delegate to the proposed Bexar Convention late in 1834! a zealous worker on the Brazoria committee of safety! a delegate to the late general Consultation! preceded by none in advocacy of the Independence of Texas from Mexico! and now the first American Governor

of the country, and the first governor of any nationality to preside over the whole domain comprehended as Texas!

In giving as faithful a record of his administration and of the results as our means will allow, we hope not to disturb the ashes of any hero sleeping beside him. But stern justice demands that truth shall be vindicated in behalf of a wise statesman, a stern and incorruptible patriot—blunt, honest and without concealment—who loved his country and liberty with a devotion unsurpassed by any of his compeers. In what spirit and to what extent he co-operated with the council in their deliberations and proceedings, cannot be better shown than by reference to his communications to them on matters of interest and in response to ordinances and decrees sent to him from time to time for approval, all of which are of public record. As it is impossible that many who may be interested in the perusal of this work, can have access to these public records, those that seem of most peculiar interest, have been copied. Far from being only dry details of department business they each contain a spirited portrayal of the living issues involved in each decree, or ordinance, and display a high appreciation of the duties, dignity

and prerogatives of his office, as well as a jealous oversight of the interests, (often jeopardized,) of his country—besides giving many interesting minor details of our history which have never found place in the books.

The *first*, bearing date of November 20th, 1835, we copy in anticipation of a “specification,” under a charge brought among others, against him by the council.

SAN FELIPE, November 20, 1835.

To the Honorable the President and members of the General Council:

Gentlemen:—I have now before me your ordinances, numbers one and two, the third having received my signature on account of its having been presented first. I would only suggest to your honorable body the propriety of having your enactments presented in numerical order, inasmuch as it would tend to make our journals more uniform and consistent. As it respects the first ordinance, I only suggest its amendment so as to allow the executive the *three full days from the time of its reception* in that department without regard to the date of its passage before the house. With these remarks, I herewith return the first decree, the second being under consideration, and will be returned as soon as practicable. With sentiments of esteem, &c.

HENRY SMITH

Also the following dated November 20, 1835:

EXECUTIVE DEPARTMENT, }
SAN FELIPE, November 20, 1835. }

*To the Honorable the President and members of
the Legislative Council:*

Gentlemen.—The second ordinance passed by your body is now before me, and has received my serious consideration. To as much of it as goes to the establishing of the salaries of the different officers therein named, I feel bound to object. Inasmuch as the chosen delegates of all Texas, in convention assembled, determined to pursue strictly the rules of economy, by rigidly expunging the names of offices well known to be absolutely necessary for proper organization, it would now be deemed in us (with whom the power has been deposited) a great error or stretch of that power, if we should create offices with what the people would consider high salaries. I have every wish that the laborer should be well paid for his services; but inasmuch as we have not a rich treasury, and our country is involved in war, I think much should be performed through motives of patriotism. It must be evident to all that the convention, when voting the salaries of the governor and lieutenant governor, were actuated from such motives, well knowing their offices were the most arduous

and responsible within their gift. As such, I consider all permanent officers should be graduated from them, and allowed *per annum* salaries. It is quite uncommon that the highest officers should receive the lowest salaries. I, therefore, object to that part of the bill.

To the sixth and last decree in the bill I object, for the following reasons. There is no printing press at Washington, which I deem essential to our business. The public printing has not been yet completed as contracted for, which should be superintended by your body ;—nor has there been any legislative action, known to me, prescribing or defining the duties of our agents to be sent abroad. Their commissions, with authority to hypothecate the public lands, and pledge the faith of the country, to answer our present emergencies, have not been made out. Commissions granting letters of marque and reprisal have been earnestly solicited, both by our own citizens and foreigners ; and, as yet, have not been acted on. These are things I deem of the most urgent and vital importance ; and they should receive our prompt attention.

Furthermore, I am not apprised that your body has made the necessary arrangement for our comfortable location at Washington. It appears

to me probable that more might be lost than gained by the move. Be that as it may, the move as contemplated and incorporated in the sixth decree, I deem premature, and calculated to produce delay and great injury ; as such I feel bound to object to it. I would beg leave to suggest to your honorable body that, notwithstanding our situation here may be uncomfortable, (and none can be more so than my own,) still a sense of public duty urges me to earnestly solicit your body to submit themselves to all inconveniences for the present, until the grand and important business of necessity can be accomplished ; then you will find me willing to co-operate with you in the selection of any point which you may deem best calculated to promote our own convenience, and advance the public good.

With sentiments of the highest regard and consideration, I remain, gentlemen,

Your obedient,

HENRY SMITH, Governor.

The governor was sustained on the first point involved by a unanimous vote and by two-thirds on the second.

The following message of November 24th, 1835, shows with what keen jealousy Governor Smith labored to guard the public interest and secure wise legislation :

EXECUTIVE DEPARTMENT, }
November 24, 1835. }

*To the Honorable the President and members of
the Legislative Council of Texas:—*

*Gentlemen:—*I have under review three bills which have been passed by your body, and forwarded to this department. I have duly considered the same and herewith transmit them with such remarks as appear to me consistent.

The bill authorizing Thomas F. McKinney to proceed to borrow for the use of the Provisional Government the sum therein named; I have only to suggest to your body the impropriety of employing agents with powers which may conflict with the duties and powers of our general agents, elected by the convention, with a view to be immediately dispatched, with full and ample powers, to perform all the duties incorporated in said bill; who will also be authorized and instructed by your body, to perform all such other duties as the nature of their mission, and the exigencies of the country, may require. I would only suggest to your honorable body the propriety of making out instructions with the proper commissions to those agents thus elected, in order that they be immediately dispatched to perform the duties assigned to them. And that a com-

mittee of suitable and fit persons be appointed to take this matter under their consideration. And in the event that those agents, specially appointed by the convention, do not present themselves, that you immediately proceed to appoint others who will serve. This is a matter which I consider of the most vital importance, and deserves your prompt attention.

The ordinance next under my consideration is the ordinance and decree regulating offices under the Provisional Government, which I approve and have signed.

The next in order is the ordinance establishing a navy and granting letters of marque and reprisal. To this bill I am bound to object, as it now stands. The privileges granted to privateers seem to me rather unbounded—that this government takes all the responsibilities without any interest in the captures which may be made. If prizes are brought into our ports, the government will be at the expense of adjudication and sale, without remuneration, provided they should be found lawful prizes—if not lawful prizes, they will be bound to make remuneration for the act of their commissioned agents, who have brought into our ports prizes which cannot be condemned and sold as such. Besides, I consider, agreeably

to the provisions of the ordinance, that privateers would have an unbridled license to roam at large without being particularly under the control of the government, and kept within limits calculated to protect our own commerce, and might, in the end, be productive of more injury than good. And notwithstanding I have recommended and urged the granting of letters of marque and reprisal, if they are not commissioned in a manner calculated to promote the public good, by annoying our enemies, and protecting our own commerce, they might prove injurious to the government, rather than an advantage; as such I would like, if commissions are issued, that they would not derogate from similar privileges granted by other governments.

As it respects that part of the bill making provision for the creation of a navy; if it should be made out in a separate bill for that purpose, it would appear much better, and would entirely meet my views, as I deem it essentially necessary for the protection of our commerce. It is highly probable that those persons wishing to fit out privateers would tender their vessels and services to the government, by having the proper guarantees, and submit themselves entirely to the control and supervision of the government. This, if

it could be effected, would be much better than granting an unbridled, roaming license to privateers, which would neither be productive of security nor profit to the government. I would, therefore, suggest the propriety of separating the substantive matter of the bill, and introduce one solely for the purpose of creating a navy on proper principles; and leaving out the provision for granting letters of marque and reprisal, unless your honorable body may think proper to introduce it in a different shape. I am well aware that no good could result from granting such commissions as contemplated by that portion of the bill, and as such object to it.

I take this opportunity further to remind your body of the propriety of making, without delay, the necessary enactments calculated to authorize the commander-in-chief of the forces of Texas to issue his proclamation, in order that volunteers and other troops daily arriving on our shores, and from various parts of the country, may know to whom they shall report, and to whom they shall hold themselves amenable, either as volunteers for a specific time, or as recruits to the regular army. I deem it entirely uncalled for, and even imprudent, to furnish troops with clothing or other outfit, without a

poses therein named, which has been passed by a constitutional majority, has now received my signature; as well also as the one appropriating money for the use of the army, &c., all of which I herewith transmit.

I transmit also for the information of your body a communication received by express from headquarters, which you will use as circumstances may direct. With sentiments, &c., &c.

Your obedient servant,

HENRY SMITH, Governor.

EXECUTIVE DEPARTMENT, }
November 28, 1835 }

To the Honorable the President and members of the Legislative Council:

Gentlemen.—Much time has elapsed since the adjournment of the convention. A resolution was adopted by that body that their acts should be published and circulated; and a committee was appointed by that body to attend particularly to that matter. The publication has not yet appeared, nor do I know in what state of progress it may be. It is a matter of the highest importance, and about which much interest is felt; and its delay or suppression from the public eye, has already, and will continue to create, not only great inconvenience, but absolute distrust and misrepresentation.

I confidently hope that your body will forthwith institute an inquiry into the matter, and never cease your exertions until that matter is brought before the public in its proper shape. It is entirely useless to send forth commissions, until the organic and necessary laws, are transmitted with them. With sentiments &c., &c.

I am, gentlemen,
Your obedient servant,
HENRY SMITH, Governor.

On the 28th of November the Governor approved an ordinance appointing a commissary to take charge of the volunteers and another for the purchase of munitions of war, provisions, &c. On the 29th he sent in the subjoined communication.

To the Honorable the President and members of the Legislative Council:

Gentlemen.—Our fellow citizen, Mr. Samuel Whiting, wishes to leave forthwith for New Orleans. He has been rendering services to the country and has a desire to continue his usefulness by being instrumental in fitting out privateers in conformity with a decree passed by your body on that subject. He has applied to me for blank commissions, to be filled out as opportunity or circumstances shall direct. I would therefore

suggest to your body the propriety of passing an ordinance authorizing the executive to vest him with authority to fill out the blanks, under special instructions from the executive in conformity with said ordinance. As this matter should be expedited, immediate action will be necessary. I herewith transmit for your information, transcripts from certain letters from the United States, which have been handed me. Some of the Mobile volunteers have arrived in this town, and called on me to know what disposition will be made of them. It would probably be a courtesy due to these men to inquire the reasons of their separation from the balance of their company, and make such disposition of them as their merit may require.

Your obedient,

HENRY SMITH, Governor.

On December 1st the governor sent in the following:

Gentlemen.—I herewith transmit for your information intelligence just received from our army at headquarters near Bexar. The truly gratifying intelligence from our brave, patriotic citizen soldiers, comports well with their true character, and deserves from us the highest praise and commendation, both to officers and men who were engaged in the unequal contest. I

would therefore recommend to your honorable body the propriety of tendering to the worthy heroes engaged in the late action, a vote of thanks and commendation for their laudable and meritorious conduct on that occasion, and also to the whole army for their indefatigable perseverance, in which you will please join the heartfelt gratitude of your Executive—and encourage the heroic band never to cease their heroic operations, so long as the footsteps of a Mexican soldier is to be found on the plains of Texas.

I also transmit to you a communication from Major R. M. Williamson, of the corps of rangers, which will show for itself. I have only to say that I have since understood that the individual therein named had concluded to accept of this matter. You will be the judges. It is all important that the corps should be forthwith in service. With sentiments &c., &c.

Your obedient servant,

HENRY SMITH, Governor.

On December 2nd he wrote :

Gentlemen.—I herewith transmit for your consideration and inspection such communications as have come to my hands as the Executive. The one from Gonzales, will claim your immediate and prompt attention, as the bearer will

probably leave in the morning. The nature of the communication and the requisite attention should be prompt. With sentiments &c., &c.

Your obedient servant,

HENRY SMITH, Governor.

P. S. Capt. Blair, with his company, has tendered his services, which have been received with an enrolment of his company; and will be disposed of in a proper manner.

On December 4th he again says to the Council:

Gentlemen.—I herewith transmit for your information, various communications recently received, all of which will show for themselves and to some of which I call your particular attention. The documents in the Castillian language are said to be the product of an intercepted correspondence from the interior authorities of the Central Government to General Cos at Bexar. They contain the plans of Santa Anna, for a vigorous prosecution of the war against Texas—which is determined by him as a war of extermination. General Austin informs me that in one of his communications he has consolidated the principal matter in a brief manner. I would, however, recommend that the whole be read before your body, and such portions translated and published as you may deem expedient. The printed document, purporting to be the act of the

General Congress, establishing and defining the plan of the Central Government—with some manuscript documents, marked *confidential*—you may at least deem worthy of publication, together with a condensed view of the whole subject matter of the intercepted correspondence. The domestic correspondence, herewith accompanying, will show for itself, and by you will be taken for what it is worth. Some of the documents are the views and opinions of men which, by you, can be properly appreciated.

Taking a fair view of things as they now seem to stand, I have no doubt you will agree with me, that every energy and exertion on our part should be resorted to to counteract, or meet with efficiency the pending storm which overhangs our country. It must be acknowledged by all, that our only succor is expected from the East, where, as yet, we have not dispatched our agents. Sufficient time has elapsed since the rising of the convention, for them to now be in the United States. They have called on me in vain, day after day, time after time, for their dispatches, (at least some of them), and they are not yet ready. I say to you, the fate of Texas depends upon their immediate dispatch and success; why then delay a matter of such vital

importance, and give place to minor matters, which could be much better delayed? Permit me to beg of you a suspension of all other business until our foreign agents are dispatched.

I would further suggest to your body the propriety of passing a bill authorizing the Executive to issue his proclamation calling upon the different jurisdictions to send delegates to a new convention, to meet in conformity with the organic law, and the elections to be held as soon as practicable; and that the members be clothed with plenary powers; and that in framing the bill you apportion the representation as nearly as possible on the principles of equality. The proceedings of our former convention have not yet appeared before the public, a circumstance well and justly calculated to bring down upon us the public censure and odium of the whole community. The committee charged with that trust by the convention, justly merits reprehension, and a vote of public censure for the neglect and contumely with which they have treated the public confidence.

With sentiments of the highest respect, &c.
I am, gentlemen,

Your obedient servant,

HENRY SMITH,

December 4, 1835.

Governor.

On December 5th, the following characteristic and sagacious communication was transmitted to the Council.

Gentlemen.—I have had under consideration the following bills which have been passed by your body, viz: An ordinance and decree changing the manner of drawing drafts on the Treasurer, &c. I object to the bill for the following reasons:

First. The committee on finance with whom the whole discretion of appropriating money, and drafting on the treasury, is vested, is, like all other committees belonging to your body, liable to change and shift its members; as such, indiscreet appropriations might be made, and money drawn for improper uses. That a bare report to the Council of what had been done, in order that it be noted in your journals, would afford no check to the acts of the committee, because the appropriation and draft on the treasury would be made prior to the report of the committee, and as such they would be left without check or corrective.

Secondly. I consider that no appropriations of money should be made except by law. That no committee, or separate authority, should be privileged to make appropriations, or draw money from the treasury without the necessary formal-

ties having been complied with. Acting without the proper functionaries of Secretary, Comptroller, &c, it would be well to incorporate in our plan as many checks and balances as would be consistent without producing complexity. For the foregoing reasons I object to the bill.

The ordinance, making it my duty to issue a special commission for the arrest of W. H. Steele, I have signed, and complied promptly with its provisions.

The bill creating a municipality, to be called the Municipality of Jackson, I have signed, believing that it might afford convenience to the citizens; but, at the same time, feel satisfied that both that and the jurisdiction from which it is taken, will by that separation be rendered contemptible in numbers, and as such the more heavily burdened with municipal taxes. I would recommend to your honorable body that, in future, you confine yourselves solely within the pale of the duties assigned to us.

The bills creating a loan, and defining the duties of our commissioners, I have signed; and wish everything done for their immediate dispatch. I have seen no act of your body which has made any allowance for their outfit or expenses while performing their various and re-

sponsible duties. This matter has certainly escaped your observation, and will, I hope, be promptly acted on; and that you will place such an amount at their disposition, as will be ample and sufficient to comport with the dignity of the station and duties assigned them.

The bills appointing the Comptroller and Treasurer have been signed. I also submit to you a communication from Mr. Caldwell, of Gonzales, which speaks for itself, and of which you will make the proper disposition.

Everything connected with the dispatch of our commissioners will, I hope, meet with the earliest possible dispatch.

All of which I transmit to your honorable body for the corresponding effects.

With sentiments &c., &c., I am

Your obedient servant,

HENRY SMITH,

December 5, 1835

Governor.

The bill for changing the manner of drawing drafts on the treasury was passed over the veto.

On December 7th followed this brief utterance showing his great desire to forestall the machinations of land speculators:

Gentlemen.—I hasten to lay before your honorable body an official communication from

Dr. S. H. Everitt, one of our commissioners appointed to take charge of the archives of the land office of the department of Nacogdoches. You will see by his communication what has been done, and will I hope, take such immediate steps as will be calculated to carry the decree into effect with the least possible delay. I make this a separate communication, touching no other subject matter, in order that it may receive the prompt and undivided attention of your body.

With due respect and consideration,

Your obedient servant,

HENRY SMITH,

December 7, 1835

Governor.

Another, manifesting the Governor's watchful care:

Gentlemen.—I hasten to lay before your honorable body a communication just received from the commandant at Goliad. The documents will show for themselves, and you will take such action on them as circumstances shall direct. The express carrier is in waiting. With sentiments, &c.

Your obedient servant,

HENRY SMITH,

December 8, 1835.

Governor.

And another, on the same day, evincing his zeal in the organization of an army under the supervision of the commander-in-chief elected by the Consultation—thus early aligning himself against the impending anarchical course of intermeddling and usurpation of the council, so fraught with demoralizing tendencies.

Gentlemen.—I transmit to your honorable body the copy of a letter received in my department from the Commander-in-chief, Gen. Sam Houston. Your honorable body will see by the tenor of his communication, the reasons and propriety of his request. And seeing myself that delays in the organization of the army would be dangerous, I confidently hope that everything consistent with your duties in that matter will be promptly attended to. With sentiments, &c., &c. I am, gentlemen,

Your obedient servant,

HENRY SMITH,

December 8, 1835.

Governor.

Here, a day later, is another, manifesting his keen insight into the motives of men and his utter want of faith in Mexican military chieftains, of the class to which Gen. Mexia belonged; for he was thoroughly assured they would never consent to the "Independence of Texas," the

object most dear to his own heart. In his extreme sensitiveness on this point he doubtless suspected that the move in favor of co-operation with Mexia, was to strengthen the feeling in favor of fighting as an integral part of Mexico, under the already slaughtered constitution of 1824, and thereby repress the growing feeling in favor of absolute independence, in favor of which prominently stood Governor Smith, Archer, the Whartons and others.

Gentlemen.—I herewith transmit to your honorable body the following bills, which I have had under consideration. The one authorizing persons to be appointed to make provision for General Mexia, &c., as it stands, I cannot approve, for the following reasons :

First. I have no confidence in General Mexia's co-operating in the smallest degree in our favor. That his intention to make a descent on the sea ports west of us is for the purpose of robbing, to recuperate his own desperate fortune, I have no doubt ; but can see no possible advantage he would be to Texas. What his designs or intentions really are, I have no right to know ; but really think it would be unwise to run this government to the expense necessary to fit him out, without having any guarantee or control

over him or his conduct. Furthermore, as the bill runs, it would seem the outfit would be made before this government would be advised of his plans. Besides, I consider it bad policy to fit out, or trust Mexicans in any matter connected with our government; as I am well satisfied that we will in the end find them inimical and treacherous.

For these, and many other reasons not enumerated, I cannot sign the bill. Three other bills which I have also transmitted to you, I have approved. With sentiments &c., I am

Your obedient servant

HENRY SMITH,

December 9, 1835.

Governor.

On the 10th of December, following the wise message of Governor Smith of the previous day, the Council passed the following extraordinary resolution, utterly ignoring the prerogatives of the Governor and the Commander-in-chief.

Whereas, The Provisional Government of Texas, have received information of which there is no doubt, that the enemy have large reinforcements on the road to our frontiers, with whom there is \$10,000 in money, and if the same is not cut off, or prevented from uniting with the forces

now at Bexar, our small but patriotic army will be compelled to retire, being overpowered by four times their number: Therefore, be it resolved by the General Council of the Provisional Government of Texas: That *General Mexia* be, and he is hereby invited, together with the brave officers and men under his command, to repair immediately to Bexar by the way of Goliad, and there co-operate with the volunteer army of the people.

Resolved, That an express be dispatched immediately to General Mexia, at Velasco, with a copy of this resolution.

Resolved, That the services of Col. Power be accepted, and that he be requested to repair immediately to Velasco, or any other point, and wait on Gen. Mexia with a copy of the resolution passed this day, requesting Gen. Mexia to proceed to Bexar and to accompany the expedition and extend all the aid in his power, with authority to draw on this government for any amount of money necessary in forwarding the objects of said resolution.

It is a sufficient answer to this unfortunate and disorganizing gauntlet cast by the Council in the face of the Governor, to say: That Gen. Mexia did not go to Bexar to co-operate in the

reduction of that place, but sailed down the coast and made a worse than quixotic night landing at Tampico, from which he made a speedy and inglorious retreat to his vessel, leaving twenty seven of his American dupes prisoners in the hands of the enemy, to be shot as so many wild beasts a few days later. Secondly, that the Mexican re-inforcements had already entered Bexar, under Ugartechea; yet our brave volunteers were not (as the Council predicted) "compelled to retire," but on the very day on which the doleful resolution was adopted compelled the surrender of Cos and the entire Mexican army in Bexar.

On the 10th of December the Council passed an ordinance providing for an election throughout Texas, to be held on the first of February, 1836, for delegates to a convention, to be clothed with plenary powers, and to assemble in Washington on the first day of March—resulting in that noble assemblage which declared Texas to be an Independent Republic, the object most dear to the heart of Governor Smith; but the ordinance allowed "all free white men and Mexicans *opposed to a Central Government*" to vote. To this latter clause the ever vigilant governor objected in the following terse style, which subsequent events fully justified:

Gentlemen.—I transmit to your body various bills which I have considered and signed. The one with resolutions requiring me to communicate with the committee at the city of Mobile, for the purposes therein named, I have not as yet complied with, nor am I at present in a situation to do so promptly, as my health is bad, and my situation quite uncomfortable, but hope in a few days to be better situated to discharge the functions of my office. I have signed the revenue, postoffice and many other bills and resolutions of minor importance, all of which I transmit to you, with one to call the convention, not approved, in as much as I consider it in some decree exceptionable.

My objections are confined to the third and fourth articles and are these: That the Mexican population within our limits, particularly where they are unmixed with other population, could not properly be tested, at an election, to know whether they were in favor of centralism or not—that being made the touch-stone for eligibility. Under existing circumstances, I consider one fact plain and evident; that they who are not for us, must be against us. In my own opinion they should be so considered and treated. Actions always speak louder than words; and a very

great proportion of the inhabitants of Bexar afford fair examples. They have had, it is well known, every opportunity to evince their friendship by joining our standard. With very few exceptions they have not done so, which is evidence, strong and conclusive, that they are really our enemies. In many instances they have been known to fight against us. I therefore consider that they should neither be entitled to our respect or favor; and as such, not entitled to a seat in our councils. As it respects the other Mexican jurisdictions that are intermixed with our own population, where the touch-stone could be more properly applied—it would be different. I, therefore, hope you will reconsider the bill, and make the alterations suggested; as I consider the objections reasonable and justly founded. I am

Your obedient servant,

HENRY SMITH,

December 12, 1835.

Governor.

Governor Smith well understood and thoroughly believed that though Mexicans might profess opposition to a Centralized Government, they would never consent to a separation from Mexico on the basis of Texian Independence. A majority of the Council, however, were in favor of the delusion of fighting under the now defunct

constitution of 1824, as a State, or quasi State of the Mexican "nation," for "federation" it had ceased to be under the overwhelming domination of Santa Anna and his minions. On the 13th, therefore, they passed it over the warning voice of the Governor.

On the 11th of December the Council adopted an address to the Mexican people, based on the preposterous idea that there still existed a powerful organized opposition to the despotic Centralized government in that country—an assumption without any real foundation, after the annihilation of the liberal army of Zacatecas, by Santa Anna during the preceding spring. Later, in the summer, this was followed by the dispersion and captivity of the officers of the State Government of Coahuila and Texas, at Monclova, by the military minions of Santa Anna. Governor Viesca had escaped from the military and fled into Texas, and when this address was sent forth to the Mexican people, the armies of Santa Anna held undisputed sway over the whole of Mexico beyond the population of Texas. In view of the actual condition of things, this address, pledging themselves to co-operate with the Liberal or Federal party of Mexico, and to continue as a State of the Mexican confederation, seems

farcical. At that very moment Santa Anna was organizing a powerful army for the invasion and subjugation of Texas to his will—vowing to drive from the country or exterminate all who might refuse to obey or oppose his despotic designs.

On the same day the Council very properly adopted a resolution complimentary to Gen. Austin, on the eve of his intended departure as one of the three agents to the United States.

In acknowledging the reception of this resolution, on the same day, Gen. Austin, among other things, said: "I must take this occasion to express my thanks for the measures lately adopted, to sustain the volunteer army in the field, and also for the aid which has been given to the native Mexican forces of the Federal party, in conformity with the second article of the declaration of the 7th of November."

It will be seen, by his Quintana letter of December 22nd, to appear in its proper place farther on, what the position of Gen. Austin was as between the attempt to form a separate State of the Mexican nation, independent of Coahuila, on the one hand, and an absolute Declaration of Independence as a Republic, on the other. That he was in favor of the former and opposed to the latter, in view of his Quintana letter and other

utterances, is absolutely certain. But that on visiting New Orleans and realizing the powerful interest awakened in the United States in behalf of Texas, very largely contingent upon her entire separation from Mexico, he changed his views and thence forward became an earnest advocate of independence, is equally true, as will be seen by his New Orleans letter to General Houston of the 7th of January, only sixteen days after the Quintana letter was written.

Complaints arose against the governor for delay in printing the decrees of the Council. On this point, December 14th, the following report was made :

Your committee respectfully report that they waited on the governor, whose duty it was made by an ordinance to have the printing done, who says that he has deferred the printing of the ordinances until the acts of the *Consultation* were published, that the ordinances might follow in regular order, and show upon what they were based; and that for want of men and money the proper means within his power or control, the prisoners have not been removed to San Augustine.

WM. MENEFEE, Chairman.

Gentlemen.—I herewith transmit to your body various communications from Col. Mexia, which will show for themselves. I also transmit at the same time a communication with the proceedings of the committee of the precinct or district of Sabine, which you will please examine and take such action on it as its nature or circumstances may require.

Your obedient servant,

HENRY SMITH,

December 14, 1835.

Governor.

Here follows another characteristic communication :

Gentlemen.—I herewith transmit to you the following bills with my approval and signature : One requiring the commander-in-chief to move his headquarters to Washington ; one settling the mode by which officers of the army receive their grade, when difficulties on that account should present themselves ; one appointing a postmaster-general and other officers ; one requesting the commander at Goliad to afford assistance, &c ; one for calling a convention ; and one for creating the Municipality of Sabine. Two I have returned without my signature for the following reasons : The one requiring of me a transcript of the instructions extended to our foreign agents, and

also the correspondence had with Gen. Burleson, and other officers. These, to which you allude, are all spread on the record in my Secretary's office, and subject at all times to the perusal of your body ; and inasmuch as I have but one Secretary belonging to my department, whose duties are arduous, and as such could illy spare the time to make those transcripts, must beg the favor of your body to send one of your own clerks for that purpose. The other is an appropriation bill in favor of McLaughlin for the sum of twenty-five dollars. I have only to say to your body, whatever the facts of the case may be, I am bound to presume that this bill was sent to my office through mistake, for it is evident, as the law now stands, that this bill, or any other appropriation bill, must originate with the committee on finance, whose privilege it is to originate appropriations and check on the Treasury for the amount, and have the same entered on the journals of your body. As such my office is rid of the trouble of keeping any record pertaining to the originating appropriations or making drafts on the treasury. There seems to me no propriety in sending the bill up to me when the authority to act is withdrawn from my department.

Therefore, for the sake of consistency, if for no other reason, I return the bill.

Your obedient servant,

HENRY SMITH,

December 15, 1835.

Governor.

The inflexible integrity of Governor Smith—his keen sense of right and honesty and his repugnance to dishonesty—is made manifest in this communication to the Council:

SAN FELIPE, December 16, 1835.

Gentlemen.—I herewith transmit for your information documents received from various persons, touching a wrecked vessel near the port of Matagorda. That the unfortunate should receive the treatment as indicated in those communications, is truly to be lamented, and, if possible, should be remedied. If, however, your body should not consider it in their power to reach the present case, but leave it for the investigation of the constituted authorities, it would at least be well to take the precaution to prevent in some efficient manner a recurrence of similar conduct. Our sea coast, for years, has produced nothing but a scene of fraud, corruption and piracies, to the unfortunates who, either by misfortune or design, have been driven upon our shores. So well have we already established our

character abroad for having a piratical sea coast, that it is with difficulty insurances can be effected and always at an unusually high rate, and frequently not at all. This state of things has grown entirely out of our disorganized situation, not having the proper laws enacted to restrain the vice.

I confidently hope that your honorable body will take this matter into consideration, and pass such laws as will prevent a recurrence of these evils, by making it highly criminal in any person who will either embezzle or attempt to defraud the unfortunate by an unlawful seizure or sale of their property. They have very appropriately been termed the "bone-pickers," who are eagle-eyed, ever hovering round to pounce upon their unfortunate prey. It is now high time that Texas should retrieve her character in that respect, by passing laws for the protection of wrecked property, whether found immediately at the wreck, or elsewhere on the sea coast; and designating the means by which salvage should be adjudged and settled, and that a proper disposition be made of the balance for the benefit of whom it might concern.

Having lived, since my first settlement in the country, contiguous to the sea coast, and fre-

quently been called upon, in an official capacity, to extend protests and other documents relative to wrecked vessels, I am well aware of the intrigue, management, and downright roguery which has universally been practiced by the unprincipled speculators, and always to the great injury, and frequently total ruin of the unfortunate, without having it in my power to remedy the evil; which makes me now the more solicitous that your honorable body give the subject that attention which it justly merits.

I am, gentlemen,
Your obedient servant,
HENRY SMITH, Governor.

On the 17th Mr. James Power returned from his mission to General Mexia and reported:

I have called upon Gen. Mexia at Columbia. He has declined to go to Bexar to join our people. His object is to go to Copano to join with the two hundred Mexicans who are at Palo Blanco, and from thence take Matamoros if possible. Mr. Fisher, who is acting Secretary to the General, said to me that he could not place his military character at stake by accepting a command under the Provisional Government of Texas, as Mr. Viesca is not Governor. I further understood that Gen. Mexia will be here in a short time, with

a view of seeing the Governor and Council, in hope that they will place armed vessels to blockade the ports of Vera Cruz and Tampico, and order all vessels bound for said ports to Matamoros, where they can discharge their cargo, as there seems to be no doubt of the latter port falling into the hands of the Liberal party. Mr. Fisher further stated that he was bearer of dispatches to Gen. Mexia, that in February next there is a general plan of revolutionizing all over Mexico. Under these circumstances I thought it most prudent to return and inform the council and subject myself to their further orders on this subject.

JAMES POWER.

This report was a striking verification of the views of Governor Smith, that they had nothing to hope from Mexican co-operation—that men and leaders like Mexia were incited solely by civil dissensions—a desire for place, power and plunder—and never would aid Texas in her aspirations for real liberty.

On December 11th the council adopted a resolution providing for the election by itself of a “judge advocate general for the armies of Texas, *with* the rank, pay and enrolments of colonel in the line,” &c. On the same day, in secret session, (which, by the way, was a mode of proceeding

too often resorted to by that body,) they proceeded to the election of numerous officers, both civil and military, after which the injunction of secrecy was removed and the result became public. Among other positions so filled, Edward Gritton was elected collector of the port of Copano; but the most remarkable action was in the election of Mr. Don Carlos Barrett, a member of their own body, to the office of judge advocate general, the ink recording the creation of which was not dry.

This action, combined with the action of the council in fostering the myth known as the Federal party of Mexico, in face of the rapid change everywhere apparent as in progress in favor of an absolute separation from Mexico, as the only hope of political salvation, seems to have so incensed Governor Smith as to lead him into the use of severe expletives. On the 17th he transmitted the following communication to the council:

Gentlemen.—Your list of the names of various persons elected by your body to fill the different offices therein named has received my consideration. With most of the persons elected I have no acquaintance, but feel bound to presume that inasmuch as you are the guardians of the people,

you feel the responsibility of the trust reposed, and would not confer an appointment of either honor, trust or profit on any man either unworthy or incapable of performing the functions of his office.

Just emerging, as it were, from chaos, and assuming something like an organized form of government, we should be extremely cautious and fill our offices, both civil and military, with men who are honest and capable and who love virtue for her sake alone. To such men I would extend commissions with a satisfaction which can be much better felt than expressed. When, however, nominations are returned by your body of individuals within my own knowledge who are to receive commissions at my hands to fill high, honorable and important stations, who have either by design or otherwise been imposed upon you, it is a duty which I owe to you, myself and my constituents to notify you of your error.

Ever feeling the weight of responsibility—placed upon me by the suffrages of the people—as guardian of their rights, however unpleasant or painful the task, sheer justice shall be administered to the best of my abilities, without favor or affection. Having thus premised, I beg the favor of your honorable body to reconsider two

of the appointments contained in your list, and strike out the names of Edward Gritton and D. C. Barrett, and let others be substituted in their stead. I never can extend to them commissions, unless compelled by a constitutional majority of your body, for the reasons which follow: First of Mr. Gritton, as Collector of Revenue of the port of Copano. It is well known that Mr. Gritton first made his appearance in Texas as Secretary of Col. Almonte, who was an avowed spy upon us under the orders of Santa Anna; an Englishman by birth and a Mexican by adoption and long residence; allied to our enemies by affinity and commerce, he has not joined our army and I have ever considered him a spy upon us.

It must be evident that we have good, honest and capable men whose interests identify them with the country and whose characters are above suspicion, and I confidently hope your honorable body will make another selection.

Respecting Mr. D. C. Barrett, I regret extremely that it is my disagreeable and painful though bounden duty to object to his appointment as "Judge Advocate General of all the armies of Texas, with the rank and pay of Colonel in the line."

I object, in the first place, because the office is new and unheard of in the country. And secondly, I am bound to prefer against Mr. Barrett the following specification of charges :

Here followed six charges which were, if true, of too grave a character to justify the deposition of official power in the hands of Mr. Barrett, and the governor asserted that they could be sustained.

The council, however, after considerable discussion, in secret session, on December 25th adopted antagonizing resolutions as will be seen farther on.

Notwithstanding this discourteous action, (refusing to spread the message on the journals,) the impropriety and evil tendency of the resolution creating an important office and filling it with a member of their own body—especially with one who was antagonizing the growing sentiment in favor of independence—of which Governor Smith was the champion—was so potent, that Mr. Power introduced, on the same day that Governor Smith's remonstrating message was presented, the following resolution :

Resolved, That no member of this council shall be eligible to any office created by it while

a member of the council, nor for three months after he vacates his seat as a member.

This resolution, of course, was not adopted by the majority who had just violated its wise and salutary principle, but "was read and ordered to lie upon the table."

And on the same day the following:

Gentlemen.—I herewith transmit to you the official report of the capitulation of the enemy's forces at Bexar, of which rumor has some time since reached you. I send you this correspondence, not only because it is due to you, but with a request that you investigate it, and as soon as possible that your body will be good enough to make from the whole a succinct official report for the public eye as you may deem expedient and best calculated to be circulated in hand-bill form, in order that it be published and circulated immediately. I am, gentlemen,

Your obedient servant,

HENRY SMITH,

December 17, 1835

Governor.

The following message shows with what keen watchfulness Governor Smith presided over the new government.

SAN FELIPE, December 18, 1835.

Gentlemen of the Council:

I herewith transmit to your body a commu-

nication received from the commander-in-chief of the army, (Gen. Sam Houston,) in which he complains of delays on your part, in making the necessary appropriations for the recruiting service. It must be obvious to all that everything connected with the speedy organization of the army should be attended to as speedily as possible; and that no obstacle should be thrown in the way, in the least calculated to retard that object, which is so essentially necessary to the protection of the country. I, therefore, confidently hope that your body will immediately consider the matter, and make such appropriation as will be ample and sufficient for that service, and place it under such restrictions and securities as will be calculated in all cases to secure the government from fraud or imposition. And by no means permit any barrier to remain in the least calculated to retard or discourage the recruiting service, on which so much depends.

I further have to suggest to you the propriety of appointing the commissioners on the part of this government to carry into effect the Indian treaty, as contemplated by the convention. I can see no difficulty which can reasonably occur in the appointment or selecting the proper agents

on our part, having so many examples and precedents before us. The United States have universally sent their most distinguished military officers to perform such duties; because the Indians generally look up to, and respect their authority as coercive and paramount. I would, therefore, suggest the propriety of appointing Gen. Sam Houston, of the army, and Col. John Forbes, of Nacogdoches, who has been already commissioned as one of my aids. These commissioners would go specially instructed, so that no wrong could be committed, either to the government, the Indians, or our individual citizens. All legitimate rights would be respected, and no others. I am well aware that we have no right to transcend the superior order and *declaration* made by the convention; that we must keep strictly within the purview of that article, and, if I recollect that article right, the outline or external boundaries were demarked within which the Indian tribes alluded to should be located; but at the same time paying due regard to the legitimate locations of our own citizens within the same limits. If those Indians have introduced themselves in good faith under the colonization laws of the government, they should be entitled to the benefits of those laws

and comply with their conditions. I deem it a duty which we owe to them to pay all due respect to their rights, and claim their co-operation in the support of them—and at the same time not infringe the rights of our own countrymen, so far as they have been justly founded. These agents, going under proper instructions, would be enabled to do right, but not permitted to do wrong, as their negotiation would be subject to investigation and ratification by the government, before it would become a law. I am, gentlemen,

Your obedient servant,

HENRY SMITH,
Governor.

SURRENDER OF BEXAR.

Mr. Barrett then offered the following resolution, which was adopted:

Resolved, That the General Council feel that no better or more suitable report can be made to the people of Texas and to the world of the brilliant storming and taking of Bexar than that contained in the report of the brave officers who have communicated their achievements to the Provisional Government, and that the same be given to the printer for publication, and five hundred copies, in hand bill form, be printed as soon as possible.

Notwithstanding the resolution just quoted, the keen eye of the governor seems to have discovered a tendency towards anarchy, as will be seen by the following of the same date :

Gentlemen.—I herewith transmit to your body two appointments which purport to have been made by the commander-in-chief of the volunteer army at Bexar. I lay them before you by special request, well knowing that you understand your duties in that particular, and as such will appreciate those appointments in a proper manner. The campaign against Bexar seems to have terminated by capitulation. It is now time for the government to bring everything under its own proper control, and pursue the organic system in place of confusion or desultory warfare. This alone can cure evils which necesstious precipitancy has thrown in upon us. That this newly framed organization, springing from the midst of anarchy and confusion, could be sustained without encountering difficulties, could not be expected. Restless, disorganizing spirits are, and ever have been, busy, both in the camp and at home, with their vile intrigues and machinations, to sap the very foundation of all our hopes. Your honorable body can not be so blind as not to discover their base purposes. I now warn

you to place on them the mark of Cain, as an assurance that their merited fate awaits them. I have previously admonished you that no common duties devolved upon you; that a bold, determined stand on your part was necessary to the preservation of the country. The foundation already laid must be sustained, and the fabric reared upon it. It is for you, then, who have been entrusted with the charge, to aid, by your indefatigable perseverance, to complete the building. There is virtue in the people, and they will sustain you. I am, gentlemen,

Your obedient servant,

HENRY SMITH,

December 18, 1835.

Governor.

The Governor was sustained in his opposition to this irregular mode of appointments, by a report from the committee on military affairs.

On the 25th of December the council finally adopted the following resolutions, responsive to the governor's message of the 17th :

Resolved by the General Council, That this Council does not recognize or acknowledge any power in the executive branch of said government, to object to, or veto appointments to office made by this council. That the appointing power is exclusively with the council, and

the commissioning is the duty of the governor, consequent upon his office ; and even if otherwise, the veto as returned upon the list of officers appointed by this council dated on the 11th inst , was not returned within the three days prescribed by the ordinance and decree declaring the mode of passing, signing and publishing the ordinances, decrees and resolutions of the Provisional Government of Texas. The list of officers appointed was sent to the executive officer the 12th of December and returned December 17th.

2nd. *Resolved*, That by the 11th article of the Organic law, this council can only consider charges and specifications preferred against a member of this council, for malfeasance or misconduct in office.

3rd. *Resolved*, That the charges of this character preferred by the governor in his message of the 17th inst. against Messrs. Gritton and Barrett, the General Council repel, as being untrue, and the other charges are not a subject matter proper to be investigated by this council, according to the aforesaid article of the Organic law.

4th. *Resolved*, That the governor be, and he is hereby requested, to issue commissions forthwith, to the persons named in the certified

list of the persons elected under date of the 11th instant.

5th. *Resolved*, That the governor be furnished with a copy of the foregoing resolutions:

On motion of Mr Menefee the seals of secrecy were removed from all the proceedings in secret session up to this date.

Resolved, That the message of the governor of the 17th inst., be filed among the papers of the council, *and not entered on the journals*.

THE BREACH WIDENING.

On December 25th the committee on military affairs submitted the following extraordinary report and resolutions, so abounding in quixotic ideas and schemes to demoralize and confuse the military operations of the country, as to stamp them with condemnation by every one at all versed in the imperious necessity of discipline and a directing head in the prosecution of war. A man of the clear perceptions and fixedness of purpose of Governor Smith could only regard such action by the council, if allowed to prevail, as leading to disaster, if not to ruin.

Here follow the report and resolutions:

“The committee on military affairs, to whom was referred Major F. W. Johnson’s letter of December 18, 1835, from headquarters at San

Antonio de Bexar, have had the same under consideration, and from the information contained therein, together with the movements of Gen. Cos, after his departure from San Antonio de Bexar, learned from a private source, renders it necessary to concentrate on the frontier, at the most important points, all the troops that can be raised, and that as speedily as possible.

We are also informed by the communication received from Bexar that advices have been received at that place, stating that Gen. Ramirez Sesma had arrived at Laredo with 500 cavalry and 1000 infantry, for the purpose of reinforcing Gen. Cos, and that an army was raising at San Luis Potosi, to be commanded by Santa Anna.

Your committee would therefore recommend that an express be sent to the commander-in-chief of the regular army of Texas, forwarding to him a copy of the letter received from Bexar of the 18th inst; and the private intelligence of the movements of Gen. Cos; and further, that Col. J. W. Fannin be ordered to proceed forthwith, to the west, and take command of the regular and auxiliary troops, and that Col. Travis be ordered to repair with all possible dispatch to the frontier, or the seat of war, with all the troops he can bring into the field at this time, under his com

mand; and that the troops at Washington, and such as may be on the Guadalupe, will be ordered to repair immediately to Goliad, Copano or Bexar, for the purpose of co-operating with and acting in concert in the general defensive or offensive operations which may be ordered or deemed necessary.

Your committee would further earnestly recommend, that the commander-in-chief be ordered to concentrate all the troops under his command, or that can be brought into the field, at Goliad or Copano, with all possible dispatch, taking care at the same time to procure, by his contractors, the necessary supplies of provisions for the sustenance of his troops, and that his orders be executed with all promptness and dispatch; and further that the commander-in-chief be required to arrange and give orders to his recruiting officers and make such disposition of his recruiting officers as may be deemed best by him.

Therefore your committee recommend the adoption of the following resolutions:

Inasmuch as the number of troops fit for duty now in the field is very much augmented, there being four hundred troops now at Bexar, seventy at Washington, eighty at Goliad, two

hundred at Velasco and several companies on their march to the different military posts and places of rendezvous, making in the aggregate seven hundred and fifty men now in service, and ready for active operation ; and at least one hundred more, not enumerated in the above aggregate, who will join the army in a few days. Active operations should be immediately commenced ; for the expenses of the above number of men, now in service, together with the officers and contingent expenses, are too great for Texas in the present state of her finances. Besides, to keep the troops idle who have entered the service, will do us great injury at this time. It will induce those who are willing and able to aid us, to believe that we have no use for any more troops ; it will give our enemies time to fortify Matamoras and Laredo, so they can demonstrate on us in the spring or whenever they think proper, knowing their fortifications would enable them to retreat safely, even if they were defeated, and should it become necessary to take either of the aforesaid places, for the security of our frontier, it would be far more difficult than it would be at this time, and no man can doubt the importance and necessity of striking a decisive blow at once. By taking Matamoras, we have the possession of the

key! Yes, the commercial depot of the whole country, north and northwest for several hundred miles. We can then fortify the place; demonstrate, when the occasion presents itself, or it becomes necessary, upon the towns north and west. We can also land provisions and all the munitions of war and troops, if necessary, at that point (Matamoros,) at any time with perfect safety, and without incurring half the risk and expense we must at present. And we can also command the Gulf of Mexico from that point to the City of New Orleans, and land our troops and supplies wherever we please.

Therefore be it *resolved*, by the General Council of the Provisional Government of Texas, that his Excellency Henry Smith, Governor, be and he is hereby earnestly requested to concentrate all his troops by his proper officers, at Copano and San Patricio, for the purpose of carrying into effect the objects expressed and contained in the foregoing report.

Be it further resolved, That no officer of the regular army of Texas shall receive pay until he is in actual service, under orders of the commander-in-chief."

On the same day the chairman of the same committee presented the following report, which was read and adopted :

“Your committee to whom was referred the petition of certain officers asking permission to proceed to Copano, have had the same under consideration, and would respectfully recommend to the honorable the General Council that his excellency, the governor, be requested to give said petitioners permission or orders to proceed to Copano to fortify and defend said place, until they receive further orders, and that his Excellency, Henry Smith, Governor, be requested to notify the commander-in-chief of the regular army of Texas of the same.

Your committee deems it important to order Capt. Allen to that point, and also to accept the service of such volunteers as tender their services to aid Capt. Allen and his company, and for many important reasons. In the first place, provisions, ammunition and supplies will be ordered to Copano by our agents in New Orleans, and they will be liable to be taken by our enemies, unless a sufficient force is sustained there to guard them. Besides, we are threatened with a large army under the command of Santa Anna, and by building fortifications at different points on the frontier of our State we shall be able to contend against a much superior force to what we otherwise should. It will also throw an

additional number of troops on the frontier to co-operate and act in concert with the regular and auxiliary troops, should a large force be sent to invade us immediately, which we have every reason to believe will be the case, and that before we can even raise and organize a regiment of the regular army. Your committee would therefore respectfully recommend to the council the adoption of the following resolution :

Resolved, That Capt. Allen and J. Chenoweth's petition, together with this report, be copied by the secretary and handed to his Excellency Henry Smith, Governor of the Provisional Government of Texas."

Following these two extraordinary fulminations of the council, the governor sent in this communication :

SAN FELIPE, December 23, 1835.

To the President and members of the Council:

Gentlemen.—I herewith transmit to you various documents received from the commander at Bexar. You will see various bills which they think necessary to be filled out—all of which you will compare and consider. The bills already forwarded to the United States to be filled by special agents, you will take into consideration, and see if anything additional should be ordered

Of the article of bread-stuff they seem to be very scarce, and, from verbal information, very little is on the way from Gonzales; what orders have been sent to commissaries for the forwarding of supplies from the west, by way of Lavaca, I am not advised, but hope that the necessary means will be used to keep them supplied with whatever the garrison may need. You will also see an account in favor of Mr. Arnold, of which you will make the proper disposition. The documents relating to the *creation of officers in the camp requiring commissions, &c.*, I have passed over to Gen. Houston, the commander-in-chief, with a request that he proceed to order the proper officers to that point to take command and reduce the previous disorganization to system.

I also transmit to you documents, this moment received from Capt. Caldwell, of Gonzales, who has been engaged in forwarding supplies to the army. I have also received verbal information that Capt. Caldwell has unfortunately received a wound which will probably retard the prosecution of his duties for the present. By verbal request of officers who have been in command at Bexar, I am informed that a Mr. Smith, a deaf man well known to the army for his vigilance and meritorious acts has been severely wounded in

storming Bexar, and that his family are daily expected in this place with the expectation that the council would exercise such guardianship over them as their situation may require. Their head remains in camp, as his services as a spy cannot be well dispensed with. [The famous Deaf Smith.]

All of which is transmitted to your honorable body for its information and corresponding effects by

Your obedient servant,

HENRY SMITH,

Governor.

SAN FELIPE, December 26, 1835.

To the General Council :

Gentlemen.—I transmit to your body a transcript made from a communication just received from John Forbes of Nacogdoches. A part of the communication being of a private character, precludes its introduction.

Mr. Forbes encloses back a commission which had been previously sent to him, which I herewith transmit to you with these remarks, as a reason why it was returned. That he had previously received the appointment of first judge of that municipality, and in obedience to an ordinance and decree regulating ordinances under

this government, he felt bound to decline the acceptance of the last commission and returned it with these remarks. And furthermore says that "owing to the combined and active opposition of some six or eight speculators, sustained by individuals from the States, who employ them to engross the lands that are properly the public domain, that the intentions of the government and its acts relating to the public land, and even its judicial acts, have been delayed and interrupted greatly to the injury of the public."

He says: "I should be happy to receive from the council some rules for my government as judge, the duties of which I shall endeavor faithfully to discharge."

He further says: "I am solicitous to hear whether the two per cent. duties, which have heretofore been laid for the use of the State, is yet in force."

Your honorable body will plainly see from the foregoing, the situation of the land office in the east, and that the acts of the convention have not been carried into effect; nor does it appear that it can be, short of a military force; and whether such a course would be calculated to produce any salutary effect, is for your honorable body to determine. That some kind of effort

should be made by us to sustain and protect the public interest, must be obvious to all. While we are contending with a powerful foe, even for our very existence, that we should find men among us capable of committing piracies both on sea and land is, I must admit, rather discouraging; but permit me to say to you that every opposition has a powerful tendency to stimulate me to greater exertion, and, I hope it will have the same effect on your honorable body. Opposition, strong, vigilant and persevering, was by me anticipated—so I am not taken by surprise, or deceived, in the men who stir it up. They never consider the public good, but seek their own private interests; hence they are ever vigilant and on the wing.

It is made our duty to guard and protect that which they wish to destroy. They dread organization as a great evil, because honest investigation follows as a matter of course, which they dread.

I would recommend to the consideration of your honorable body the propriety of some efficient course to be adopted, to carry into effect the decrees of the late convention, and also the decrees of the Provisional Government, predicated on their authority. Let us faithfully and

honestly discharge our duty and the country will sustain us.

I am entirely at a loss to know what is meant in the inquiry of Mr. Forbes respecting the two per cent. duty, heretofore collected in favor of the government, and whether it is still continued. I have never known any such duty or law to have been in force. I am gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

SAN FELIPE, December 27, 1835.

To the General Council:

Gentlemen.—I have received and considered the ordinance creating the offices of auditor and controller of public accounts, which also assigns to each his duties. On this bill I have but few observations to make or objections to raise. But two only, both of which would be easily complied with. The first will be found in the last clause of the fifth section. I would suggest the propriety of striking out the last clause from the word “provided” (which is underscored) to the end of the section. This clause is in itself rather ambiguous, and if not leaving a door open to fraud, will be calculated to excite jealousy and suspicion. All money drawn from the treasury

should be subject to the same routine and the proper guards and checks interposed to prevent fraud, and no branch of the government should retain exclusive privileges in such matters. For if no other injury should result, it would at least have a tendency to produce complexity and confusion in the offices.

The other amendment, which I wish to suggest, is only for the purpose of avoiding ambiguity, and that the matter be plainly understood; which by continuing the ninth section, by adding the words "after the claim has been once adjudicated and filed," which would show that it was in compensation for extra labor.

I also transmit, to you various resolutions &c., which have been signed and, where necessary, complied with. The resolution to correspond with Mr. Lamar of Georgia, will be complied with as soon as an opportunity offers.

I also send the correspondence received from Bexar; it is however principally of introductory character, speaking of men who are deemed worthy to be considered in time of office making. Capt. Cook, of the New Orleans Greys, is highly recommended by all, both for his ability, and distinguished bravery as an officer, and, if possible, I would like to extend him a commission.

I also send you the official report of Doctor Pollard as surgeon of the volunteer army. The new revenue bill I have examined and signed, which is now under transcript for some of the revenue officers. I am, gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

The ordinance vetoed, was passed over the governor's objections.

IMPORTANT LETTER FROM STEPHEN F. AUSTIN.

On the 31st of December, 1835, the following letter, addressed to certain persons named, some of whom were not members of the council, was read, but not printed in the journals. The original letter, now before us, is endorsed by E. M. Pease, Secretary: "Referred to committee on State and judiciary, December 31, 1835." It will be remembered that Stephen F. Austin, Branch T. Archer and William H. Wharton, had been appointed, by the consultation on the 12th day of November, commissioners to seek aid for Texas in the United States. This letter, as shown on its face, was written by Gen. Austin on the eve of their departure on that mission. Here it is:

QUINTANA, December 22, 1835.

Dear Sirs.—We expect to get off to-morrow in the Wm. Robbins, Archer, the two Whartons and myself and several other passengers.

There has been a great deal of low intrigue in the political manœuvering of a party who I am at last forced to believe have their own personal ambition and aggrandisement in view, more than the good of the country. These men have operated on Archer until they have made him almost a political fanatic, preaching a crusade in favor of liberty against the city of Mexico, the only place short of which the army of Texas ought to stop, &c.

The Mexicans say that it is rather curious that the people of Texas should fight *against* military rulers, and at the same time, try to build up an army that may, in its turn, rule Texas as it pleases. I think it probable there will be some thousands of volunteers from the United States in a few months. They nearly all wish to join the regular army on the basis of volunteers. What shall we do with so many? How support them? I fear that the true secret of the efforts to declare independence is, that there must then be a considerable standing army, which, in the

hands of a few, would dispose of the old settlers and their interests as they thought proper.

The true policy for Texas is to call a convention, amend the declaration of the 7th of November last, by declaring Texas a State of the Mexican Confederacy under the basis laid down in the the fifth and other articles of said declaration of 7th of November—form a constitution and organize a permanent government. Every possible aid should be given to the Federal party in the interior; but it should be done as *auxiliary* aid, in conformity with the second article of the declaration. By doing this the war will be kept out of Texas. This country will remain at peace. It will fill up rapidly with families, and there will be no great need of a standing army. I believe that the combinations in the State of Tamaulipas are very extensive to form a new republic by a line from Tampico, west to the Pacific, and it is probable that the capitulation at Bexar was made to promote that object. In short, it is much easier to keep the war *out* of Texas, than to bring it back again to our own doors. All that is necessary is for us *not to do anything that will compel the Federal party to turn against us*, and if they call on us for aid, let it be given as *auxiliary aid*, and on no other footing.

This takes away the character of a national war, which the government in Mexico is trying to give it, and it will also give to Texas just claims on the Federal party, for remuneration out of the proceeds of the Custom Houses of Matamoros and Tampico, for our expenses in furnishing the the *auxiliary aid*. But if Texas sends an *invading* force of foreign troops against Matamoros, it will change the whole matter. Gen. Mexia ought to have commanded the expedition to Matamoros and only waited to be asked by the Provisional Government to do so.

I repeat: It is much easier to keep the war out of Texas and beyond the Rio Grande, than to bring it here to our own doors. The farmers and substantial men of Texas can *yet save themselves*, but to do so they must act in union and as one man.

This, I fear, is impossible. In the upper settlement Dr. Hoxey is loud for independence. Of course he is in favor of a large standing army to sustain it, and will no doubt be ready to give up half or all of his property to support thousands of volunteers, etc., who will flood the country from abroad.

It is all very well and right to show to the world that Texas has just and equitable grounds

to declare independence; but it is putting the old settlers in great danger to make any such declaration, for it will turn all the parties in Mexico against us. It *will* bring back the war to our doors, which is now far from us, and it *will* compel the men of property in Texas to give up half or all to support a standing army of sufficient magnitude, to contend with all Mexico united.

Yours respectfully,

S. F. AUSTIN.

To Messrs. F. W. Johnson, Daniel Parker, D. C. Barrett, J. W. Robinson, Wyatt Hanks, P. Sublett and Asa Hoxey.

P. S. Mr. Parker will please send this letter to T. J. Rusk, of the Nacogdoches department.

S. F. A.

This letter from Gen. Austin, considering the time and the peculiar circumstances under which it was written—the time being the eve of his departure on a momentous mission; the circumstances being that he differed with the chief executive of the country, his two colleagues Wharton and Archer, and with a rapidly growing public sentiment in favor of absolute independence from Mexico, will appear to many as extraordinary and ill-timed. And when his New Orleans letter to Gen Houston, written only

sixteen days later, is read, unless a satisfactory explanation can be given, astonishment must be the result. One of its effects was to increase the alienation between Governor Smith, the head of the Independence party, and a majority of the council who agreed with Gen. Austin. But, rightly understood, it was in harmony with all the utterances of that gentleman, from his first Mexican letter, from Matamoros, May 30th, 1833, followed by others from the City of Mexico down to and after his return to Texas in September, 1835. That Gen. Austin's heart and interest were deeply involved in the welfare of Texas, must be evident to every mind comprehending his true position. But it must be borne in mind that he went to Mexico in May, 1833, as the agent of Texas, to secure her admission into the Mexican Union as a distinct State, separate from Coahuila, under the constitution drafted by the convention of April in that year, which selected him as one of three commissioners to represent them at the Mexican Capitol, and that he alone undertook the journey; that he remained in Mexico two years and three months and during most of that time was incarcerated in the prisons of the Capitol—denied, much of the time, intercourse with his friends and rarely hearing from Texas, and then

in meagre and unreliable rumors—and that he had no reliable means of knowing the truth in regard to the rapidly changing events, either in Texas or Mexico. Moreover that he was in a position to be falsely impressed with regard to Mexican affairs and designs through the cunning artifices of Santa Anna and his minions. That he was wholly misled as to the real designs of Santa Anna, his letters distinctly show; and that he was radically mistaken as to the power of the federal party in Mexico, is equally clear, for from the annihilation of the federal army, the forlorn hope of that party, by Santa Anna, in Zacatecas, in April, 1835, there was no federal power worthy of the name of organization, until the feeble struggles were renewed north of the Sierra Madre in 1839, three years after the independence of Texas was declared at Washington and won at San Jacinto.

The growth of the feeling in favor of Texian independence, naturally to flow from the destruction of the federal party in the Waterloo at Zacatecas, and the overthrow of the Constitutional Government of Coahuila and Texas, at Monclova, by Gen. Cos, under the direct orders of Santa Anna, was held in check in Texas and considered almost treasonable by many, lest its

manifestations might endanger the life of Gen. Austin, still in prison. This was a natural and an honorable feeling—honorable to the people so influenced and honorable to Gen. Austin as their vicarious agent.

When Gen. Austin returned home September 15, 1835, he found Texas ripe for revolution against the despotic usurpers of Mexico and preliminary organizations matured and maturing throughout the country. Committees of safety and correspondence were formed and the call had already gone forth for a convention to be known as the "Consultation of the chosen delegates of all Texas," which, in November, proved to be the creator of a "Provisional Government," and this paved the way to an absolute declaration of independence on the 2nd of March, 1836, less than four months later.

Gen. Austin was warmly and gratefully welcomed home by men of all shades of opinion. He was soon made chairman of the committee at San Felipe and from the 11th of October to the 25th of November was in command of the volunteer citizens who marched to and besieged San Antonio. At the latter date, however, in obedience to the action of the Consultation in selecting him, along with Messrs. Archer and

Wharton, as a commissioner to the United States, he left San Antonio and repaired to San Felipe to join his colleagues on that mission.

It will be seen that he continued to cherish the views he brought from Mexico and seems not to have grasped the real condition of affairs in Texas, or from a Texas stand point, but rather to have been misled by those who believed in fighting for statehood as an integral part of Mexico and who were opposed to independence.

But a very short stay in New Orleans opened to his mind a new line of thought, in favor of the policy he had before opposed and largely for reasons that had been urged by Governor Smith, Wharton, Archer, Travis and others. This cogent reason was, that while fighting in internecine strife as a mere province of Mexico, Texas need expect no material aid from the United States; but, on the other hand, if Texas would declare herself an Independent Republic, men, money and munitions of war would pour in upon her from the great Republic to which nineteen-twentieths of the Texas people owed their birth. From that moment Stephen F. Austin was an ardent friend and advocate of independence. He rendered valuable service in the United States; returned home in June,

became the first Secretary of State of the Republic on the 23rd of October, and died on the 27th of December, 1836, lamented by all as the founder and father of American civilization in Texas.

On December 29th the committee on military affairs submitted the following resolution, still farther virtually assuming the powers of the commander-in-chief:

“*Resolved*, That the governor be requested to authorize Col. James Bowie to raise and rendezvous all the troops he possibly can, to be enrolled according to the provisions of the ordinance and decree *creating an auxiliary volunteer corps of Texas*, and report himself at Goliad, at as early a day as possible.”

On the same day the president of the council submitted a communication from the governor responsive to the censorious resolutions of the 25th, which was read—ordered to be filed—*and not placed on the journals*;—another indignity, hastening and widening the breach between the governor and council—leading to their abortive attempt at his deposition and their speedy loss of a quorum for the transaction of business, which they never recovered, leaving Governor Smith the only source of legal authority until he

surrendered the government to the convention of independence in March, 1836.

Nothing so aptly illustrates the watchful care and fidelity of Governor Smith, as a guardian of the public weal, as his communications to the council, several of which are here inserted.

Under date of January 2d, 1836, he says :

Gentlemen.—I herewith transmit to your body the report of John H. Money, former treasurer of this municipality. You will see by the accompanying vouchers the disbursements made by him—some of them you may deem it necessary to consider. Mr. Money is anxious to bring the matter to a close by final settlement. I also send you a petition signed by various persons, which will show for itself. I further have to remark that the reports made by the commandant of Goliad, shows that he has on hand at that station, public property to a considerable amount, consisting of various goods, dues to the Custom House, &c., all of which he is anxious should be properly disposed of for the public benefit. You will therefore make such orders on that subject as you may deem necessary to promote the public interest, and at the same

time to release the commandant from further responsibility. I am, gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

It should have been elsewhere stated that, in accordance with an ordinance previously presented by the Hon. James Kerr, of Jackson, and passed by the council on the 22nd of December, Governor Smith, on the 25th of the same month, issued commissions to Gen. Sam Houston, John Forbes, of Nacogdoches and Dr. John Cameron, as commissioners to treat with the Cherokee Indians and their twelve associate bands, then residing in that portion of East Texas now covered by Anderson, Cherokee, Rusk, Smith and other counties. The treaty was so far made as to secure, for the time, the neutrality of those Indians.

The disorganizing course of the council in pandering to the clamors of a few ambitious and visionary men and usurping the functions of the governor as commander-in-chief in military and naval affairs, as well as those of Gen. Houston as general in-chief of the army, among other things encouraging the suicidal expedition proposed to capture Matamoros, added to what he

considered a conspiracy by Barrett and others of the council to destroy his influence, because of his unyielding advocacy of independence, culminated in the following indignant and unparliamentary but very natural outburst from Governor Smith.

SAN FELIPE, January 9, 1836.

Gentlemen of the Council :

I herewith transmit to your body, the returns and correspondence of Col. Neill, Lieutenant-Colonel-Commandant of the post of Bejar. You will in that correspondence find the situation of that garrison. You will there find a detail of facts calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of, and connived at, this predatory expedition? Are you not daily holding conference, and planning co-operation, both by sea and land? Acts speak louder than words! They are now before me, authorizing the appointment of a generalissimo with plenary powers to plan expeditions on the faith, the credit, and I may justly say, to the ruin of the country. You urge me by resolutions to make appointments, fit out vessels as government vessels—registering them as such—appointing landsmen to command a naval expe-

dition, by making representations, urgent in their nature, and for what? I see no reason but to carry into effect, by the hurried and improvident acts of my department, your favorite object, by getting my sanction to an act disorganizing in its nature, and ruinous in its effects. Instead of acting as becomes the counsellors and guardians of a free people, you resolve yourselves into intriguing, caucussing parties; pass resolutions, without a quorum, predicated on false premises; and endeavor to ruin the country by countenancing, aiding and abetting parties; and if you could only deceive me enough, you would join with it a piratical co-operation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch-tower. I feel the weight of responsibility devolving upon me, and confidently hope I will be enabled to prove a faithful sentinel. You have also been posted as sentinels; but you have permitted the enemy to pass your lines; and, Mexican like, are ready to sacrifice your country at the shrine of plunder. Mr. president, I speak collectively, as you all form one whole, though, at the same time, I do not mean all. I know you have honest men

there, and of sterling worth and integrity; but you have Judases in the camp—corruption, base corruption, has crept into your councils—men who, if possible would deceive their God. Notwithstanding their deep laid plans and intrigues, I have not been asleep. They have long since been anticipated, forestalled and counteracted. They will find themselves circumvented on every tack. I am now tired of watching scoundrels abroad and scoundrels at home, and as such I am now prepared to drop the curtain. The appointment and instructions, founded on the resolutions predicated on false premises, shall now be tested. I will immediately countermand the order made out in such haste; and, as you say, and her register says, the armed vessel *Invincible* is a government vessel, I will immediately order a suitable officer of the government to go and take charge of her in the name of the government, and hold her subject to my order. And if that be refused, I will immediately recall her register, by proclamation to the world. I would farther suggest to you that our foreign agents have been commissioned and specially instructed to fill out our navy and procure the proper officers and crews; and unless they can be certainly informed of the absolute purchase,

in time to prevent their purchase of a similar one, the purchase so made by you shall never be ratified or become binding on this government; because you would do the government serious injury by meddling with matters which you have put out of your power by special appointment. You shall not be permitted, by collusion or management, to act in bad faith to the injury of the government. If the appointment of general agents, with latitudinarian powers—with the power of substitution and many other things equally inconsistent and ridiculous—which have been engendered and emanated from your caucussing, intriguing body recently, does not show a want of respect to my department and a total neglect of the sacred oaths and pledges solemnly made by you, I must admit I am no judge. ‘I wish you distinctly to understand that the ground on which you stand is holy, and shall be guarded and protected with every assiduity on my part. Permit me again to repeat it, Mr. President, this is not either intended to touch either yourself or the honest and well-intending part of your council.

Look round upon your flock! Your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of

the mouth, the vacant stare, the hung head, the restless, fidgety disposition, the sneaking sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uneasiness to adjourn, dreading to face the storm themselves, have raised.

Let the honest and indignant part of your council drive the wolves out of the fold, for by low intrigue and management they have been imposed upon and duped into gross error and palpable absurdities. Some of them have been thrown out of folds equally sacred, and should be denied the society of civilized man.

They are parricides, piercing their devoted country already bleeding at every pore. But, thanks be to my God, there is balm in Texas and a physician near. Our agents have gone abroad. Our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucussing, intriguing, and corrupt council. I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the

world of your error, and forthwith proceed, and with the same facility and publicity, (by issuing a circular, and furnishing expenses to give circulation and publicity in a manner calculated to counteract its baleful effects), that after twelve o'clock on to-morrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless from the emergencies of the country, you should be convened by proclamation at an earlier period.

I consider, as the devisors of ways and means, you have done all contemplated by the Organic Law; that your services are no longer needed, and until the convention meets, I will continue to discharge my duties as commander-in-chief of the army and navy, and see that the laws are executed.

The foregoing you will receive as notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writing. I will immediately proceed to publish all the correspondence between the two departments, by proclamation to the world, and assign the reasons

why I have pursued this course, and the causes which have impelled me to do it.

I am, gentlemen,
Your obedient servant,

HENRY SMITH,

January 9, 1836.

Governor.

This communication, (not expected to be made public, but considered in executive session,) though dated on the 9th, was sent in on the 10th, accompanied by the following letter to James W. Robinson, the Lieutenant-Governor and President of the council:

SUNDAY, January 10, 1836.

Hon. James W. Robinson, President of the Council:

Dear Sir.—I have recently received by express, dispatches from Bexar and other places, containing information of a character which should be immediately laid before the council. And being informed that you do not meet to-day, I must beg the favor of you to call a secret session of your body. I wish all the members of your body to be present, as immediate action will be necessary. You will please inform my secretary at what hour you will meet, and I will send him with the dispatches. I will also make a communication to the House. You will please

have read the express correspondence first. You may, perhaps, consider my communication severe. I wish you, however, to permit it to be read; I assure you it is necessary. I wish you to distinctly understand that I well know your situation, and that nothing therein contained is aimed at, or intended for you. I hope you will favor me by a compliance, as I deem it all important.

I am respectfully,

Your obedient servant,

HENRY SMITH,

Governor.

The communication of the 9th—for a thorough justification of which, excepting only in its unparliamentary expletives, among other facts already apparent to the reader, reference is made to the exhaustive letter of Gen. Houston to Governor Smith, written on the 30th of January, twenty days after the futile and void attempt of less than a quorum, to suspend the governor—was referred to a special committee immediately on its reception at the called meeting on Sunday the 10th. The committee on the 11th submitted the following report and resolutions: .

Your special committee to whom was referred the communications of Governor Smith,

report that they are unable to express any other views to this House, than indignation at language so repulsive to every moral feeling of an honorable man, and astonishment that this community could have been so miserably deceived in selecting for the high officer of governor, a man whose language and conduct prove his early habits of association to have been vulgar and depraved, and his present disposition that of a disorganizer and a tyrant. That they repel the infamous charges preferred against this council and its * members as false and unfounded in every part, and containing the style and language as low, blackguardly and vindictive, and in every way unworthy of and disgraceful to the office whence it emanated, and as an outrageous libel on the body to whom it is addressed, and therefore advise the return of the paper, accompanied with the following resolutions.

R. R. ROYALL, Chairman,
ALEX. THOMPSON,
CLAIBORNE WEST,
J. D. CLEMENTS,
JOHN McMULLEN,

Adopted January 11th, 1836.

*In a communication from Gen. Houston to Gen. Rusk, Secretary of War, near Mill Creek (west of the Brazos) March 29th, 1836, he says:—"I have ordered D. C. Barrett and Edward Gritton to be arrested and held subject to the future order of the government. I do think they ought to be detained and tried as traitors and spies." The victory of San Jacinto, 23 days later, and the good feeling caused thereby, probably prevented subsequent investigation into all such charges.

1st. *Resolved*, That the members of the General Council are the immediate representatives of the sovereign people, and are charged with the safety of the country and answerable only to the people for the faithful discharge of their duties.

2nd. *Resolved*, That each member individually, and as a body collectively, will sustain at all hazards the dignity of this government and the rights of the good citizens of Texas whom they have the honor to represent.

3rd. *Resolved*, That Henry Smith, Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office and he be held to answer to the General Council upon certain charges and specifications preferred against him, agreeable to the provisions of the 4th section of the Federal Constitution of Mexico of 1824, and the 11th section of the Organic Law of the Provisional Government of Texas, as adopted in convention on the 13th of November, A. D., 1835, and that a copy of the said charges and specifications be furnished to the Governor, Henry Smith, within twenty-four hours from this time.

4th. *Be it further resolved*, That the secretary to the Executive be forthwith notified of

these resolutions and that he be held responsible to the General Council of the Provisional Government of Texas for every and all records, documents and archives of his office.

5th. *Resolved*, That the Treasurer, Commanding-General, Foreign Agents and all other officers of this government, be notified of the suspension of Henry Smith of the powers and functions of Governor, by the representatives of the people of Texas in General Council assembled, and that they and every one of them hold themselves respectively subject to the order and direction of the lieutenant-governor, as acting governor, and General Council aforesaid.

6th. *Resolved*, That a committee be appointed to draft an address to the people of Texas, setting forth the circumstances and reasons which compel their representatives in General Council to adopt these measures.

Adopted January 11th, 1836.

The following are the four charges.

To Henry Smith, Esq., Governor of the Provisional Government of Texas :

Sir.—The following are the charges and specifications preferred against you in substance and form, as contemplated by the 11th section of the Organic law of the Provisional Government

of Texas. The General Council advise you that you are at liberty to answer the following charges and specifications before that body or before the general convention at its session to commence on the 1st day of March next, and that on application to the president of the council you will be furnished with the names of all witnesses who will be called on to testify against you.

Charges and specifications against Henry Smith, as Provisional Governor, under the 11th section of the Organic Law, for malfeasance and misconduct in his said office as preferred by a committee, appointed by the General Council for that purpose.

Charge 1st. For violating the republican principles of the Federal Constitution of Mexico of 1824, which, as Provisional Governor he had sworn to support.

Charge 2nd. For neglecting to support the declaration of the consultation of the chosen delegates of all Texas in General Convention assembled, and for endeavoring to prevent the General Council from carrying into effect, especially the second article, as adopted by the said convention November 7th, 1835.

Charge 3rd. For official perjury in infringing and violating the Organic Law of the Provisional Government of Texas.

Charge 4th. For slanders and libels upon the General Council as a body and upon the members thereof individually, and contempt of its powers and authority, and attempting to dissolve the government, and assume dictatorial powers over the good citizens of Texas, and by inconsistency, misrepresentation and other official misconduct, has produced confusion and aimed at general disorganization.

The specifications are but grandiloquent amplifications of the charges and were followed by this resolution:

Resolved, That the communication alluded to be returned, together with a copy of the charges and specifications preferred against the said Henry Smith, late Governor aforesaid, for malfeasance and misconduct in office, and that he be notified to reply in three days, or that the trial will proceed thereon before the General Council *ex parte*.

On the same day, prior to being informed of the action of the council, the governor so far overcame the bitterness of his feelings as to send in the following qualified effort at reconciliation:

SAN FELIPE, January 12, 1836.

Gentlemen.—The communication, of the 9th, sent to your body on the 10th inst, contained

much asperity of language which I considered at the time was called for from me, owing to what I deemed improvident acts of your body, in which I considered much intrigue and duplicity had been used, which in their nature and tendency were calculated to breed confusion and greatly injure the public good. Among other things the appointment of Col. Fannin was one which I deemed unwarranted by law, and of injurious tendency. If the act of your body was ratified by me, it is plain and evident that neither the commander-in-chief, the council, nor the executive could have any control over him. I therefore deemed it a gross insult offered by the council to my department, and one which I was not willing to overlook. I admit that I repelled it with a keenness and asperity of language beyond the rules of decorum; because I believed it was certainly intended as an insult direct. If, therefore, your body should think proper to acknowledge their error, by an immediate correction of it—which I consider would only be their reasonable duty—all differences between the two departments should cease, and, so far as I am concerned, be forever buried in oblivion; and that friendly and harmonious intercourse resumed, which should ever exist between the

different branches of the government. I suggest and solicit this from the purest motives, believing the public good would thereby be advanced. The rules of christian charity require of us to bear and forbear, and as far as possible to overlook the errors and foibles of each other.

In this case I may not have exercised towards your body that degree of forbearance which was probably your due. If so, I have been laboring under error, and as such, hope you will have the magnanimity to extend it to me, and let the two branches again harmonize to the promotion of the true interest of the country.

I am respectively, gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

On the 13th, the overtures of the governor having failed, he returned to the combat in the following unyielding but more dignified tone.

SAN FELIPE, January 13th, 1836.

To the President and members of the Council :

Gentlemen.—On the 9th inst., I notified your body that, as the devisors of ways and means, I considered you had performed all the duties incumbent on you, contemplated by the Organic Law, and as such I considered the country would

be relieved from a heavy tax by your adjournment until the 1st of March, [when the plenary convention was to assemble]. And if in the interim any emergency should render it necessary, that you could immediately be called by proclamation. On the 11th I received notice that I was removed from office. Not by death, inability, or other casualty, but for exercising too much capacity; and that by virtue of authority vested in your body, you had installed a new governor, and created a new organization. After formally breaking me, you have been good enough to summon me to a formal trial—leaving the alternative with myself to choose the tribunal before whom I would be tried, whether before your own body, by whom I had been already condemned, or before my peers in convention. Reason, it would seem, would direct the latter alternative. I at all times hold myself answerable, and answerable as a public officer, to my peers, and to none others. I acknowledge the receipt of the charges and specifications preferred against me by your body, and feel able and willing in convention to plead to them. Reserving to myself in the meantime the privilege of taking all legal exceptions. I demand of your president, as a right, the names of all the

members present on the 10th inst , with the proper certificate, commencing with the first of the present month and up to the present date inclusive. And all the members now present are notified to appear at the town of Washington, as witnesses, on the first day of March next ; for by your own acts, and the proof of your own body, I hope to be able to exculpate myself before a liberal and unbiased body, from all the charges preferred against me. It would appear that some jurisdictions are not represented, others have two ; and some, long since precluded by law, still seem to hold on and form a part of your body. I think it would be well to examine these things, as circumstances may render its investigation necessary.

I would give your body this friendly advice : that notwithstanding you are the representatives of the people, they have given you the limit over which they will not permit you to pass, and any thing done by your body calculated to bring about disorganization, or not warranted by the Organic Law, will be viewed and considered as an outrage for which you will be held answerable. What *I have done*, however bad you may view it, has been done for the best of reasons, and from the purest motives. I care not for popularity,

and seek alone the public good. And if the course I have pursued—so condemned by you—should bring down the odium and contempt of the whole community, and at the same time be the means of saving the character, the credit, and finally redeem the country, I say to you, in the sincerity of truth, that it is a sacrifice I willingly make at the shrine of the public good.

HENRY SMITH,
Governor.

On the same day, the 13th, the council passed a resolution directing the Executive Secretary, Dr. Charles B. Stewart, (afterwards distinguished in the councils of the State and deceased only in 1886), to hold no farther communication with Governor Smith, but to recognize as governor, their presiding officer, Lieutenant-Governor James W. Robinson. They passed a similar mandate affecting the public printers. But their action was wholly ignored by the enlightened patriot, Stewart, and fell harmless at the feet of Governor Smith, who still maintained his official position, being recognized as governor by Gen. Houston, Commander-in-Chief of the army and the people at large. The indecent haste with which the council acted, their numerous resolves, and the high-sounding “inaugural” address of

their "acting" governor bearing evidence of prior plan and concert, speedily became known and were largely treated with derision till they were buried in oblivion by the people's representatives in the convention of independence in March, as will be seen later.

A death blow was given to the small faction yet remaining of those who, like Governor Smith's assailants in the council, still clung to the dead carcasses of the constitution of 1824 and the federal party in Mexico, when it became known that, in a letter to Gen. Houston, written in New Orleans, January 7th, Gen. Austin had utterly abandoned those baseless ideas and come out in favor of declaring Texas a free and independent republic.

From the great length and wide field covered by the "inaugural" of Mr. Robinson on attempting to assume the functions of "acting" governor, the conclusion is almost irresistible that its preparation was begun in anticipation of, and not after the pretended suspension, of Governor Smith. In it he sails through a sea of political, judicial, ministerial and governmental polities, betraying a mind filled with chimeras but unable to grasp the simple fact that an entirely new government would supercede the present one in

about six weeks, to be formed by a chosen body of men clothed with plenary powers and among whom he would have no voice; while, on the other hand, the clear, broad and incisive mind of Governor Smith intuitively grasped the REAL and not the IDEAL in public affairs, and hence he quickly detected trickery, intrigue and infidelity in the actions of men.

Nothing could have been more satisfactory to Governor Smith than the notification that he could exercise an option by being tried either by the council—his blinded accusers—or by the convention yet to be elected and to assemble on the first day of March. His honest heart was more than willing to entrust his good name, fame and unselfish patriotism, to the judgment of his peers, yet to be elected by the people, for well he knew that the great point for which he had struggled—the independence of Texas—would be overwhelmingly, if not unanimously declared, whenever the voice of the people, as now enlightened, should be expressed in that plenary assemblage. He had neither doubt nor fear, and he was correct, for the declaration was unanimously made within twenty-four hours after the convention met. And well he knew also that the real incentive to the malignant charges against him, was his

refusal to countenance the disorganizing schemes of the council, and because he had no earthly confidence in the extinct myth called the federal party in Mexico; that he realized the fact that the Mexican constitution of 1824 had been subverted and overthrown by Santa Anna and his victorious legions; and that he righteously believed the salvation of Texas depended upon an absolute declaration of independence.

As a matter of fact Governor Smith continued in the discharge of his duties and was so recognized by the convention assembled in March, while the council never had the *pretense* of a quorum after the 17th of January, and, in fact, did not have when they pretended to depose Governor Smith.

Though in anticipation of time this is deemed the appropriate place in which to insert the able and scathing letter of General Houston to Governor Smith—able in its enunciation of sound principles, and scathing in its arraignment of the council and those measures and men whose course tended headlong to disorganization, demoralization, failure and ruin. The annihilation of Johnson and Grant's followers on and beyond the Nueces, and the perfidious slaughter of Fannin and his four hundred men, were largely

the bitter fruits of the council's intermeddling usurpation of the powers lodged by the Organic Law with the governor and general-in-chief of the army.

Here follows the letter of Gen. Houston :

Major-General Sam Houston to Governor Henry Smith :

MUNICIPALITY OF WASHINGTON, Jan. 30, 1836.

Sir.—I have the honor to report to you that in obedience to your order under date of the 6th instant, I left Washington on the 8th, and reached Goliad on the night of the 14th. On the morning of that day I met Capt. Dimmitt, on his return home with his command, who reported to me the fact, that his caballada of horses, the most of them private property, had been pressed by Dr. Grant, who styled himself acting commander-in-chief of the federal army, and that he had under his command about two hundred men. Capt. Dimmitt had been relieved by Captain P. S. Wyatt of the volunteers from Huntsville, Alabama. I was also informed by Major R. C. Morris that breadstuff was wanted in camp, and he suggested his wish to remove the volunteers further west. By express I had advised the stay of the troops at Goliad until I could reach that point.

On my arrival at that post I found them destitute of many supplies necessary to their comfort on a campaign. An express reached me from Lieutenant-Colonel Neill, of Bexar, of an expected attack from the enemy in force. I immediately requested Colonel James Bowie to march with a detachment of volunteers to his relief. He met the request with his usual promptitude and manliness. This intelligence I forwarded to your Excellency for the action of government. With a hope that supplies had or would immediately reach the port of Copano, I ordered the troops, through Major R. C. Morris, to proceed to Refugio Mission, where it was reported there would be an abundance of beef—leaving Captain Wyatt and his command, for the present, in possession of Goliad, or until he could be relieved by a detachment of regulars under the command of Lieutenant Thornton, and some recruits that had been enlisted by Captain Ira Westover. On the arrival of the troops at Refugio, I ascertained that no breadstuffs could be obtained, nor was there any intelligence of supplies reaching Copano, agreeably to my expectations, and in accordance with my orders of the 30th of December and 6th of January, inst., directing the landing and concentrating all the

volunteers at Copano. I had also advised Colonel A. Huston, the Quarter-Master General, to forward the supplies he might obtain at New Orleans to the same point. Not meeting the command of Major Ward, as I had hoped from the early advice I had sent him, by Major George W. Poe, I determined to await his arrival and the command of Captain Wyatt. With a view to be in a state of readiness to march to the scene of active operations at the first moment that my force and the supplies necessary could reach me, I ordered Lieutenant Thornton, with his command, (total twenty-nine) to Goliad, to relieve Captain Wyatt; at the same time ordering the latter to join the volunteers at Refugio. I found much difficulty in prevailing on the regulars to march until they had received either money or clothing; and their situation was truly destitute. Had I not succeeded, the station at Goliad must have been left without any defence, and abandoned to the enemy, whatever importance its occupation may be to the security of the frontier. Should Bexar remain a military post, Goliad must be maintained, or the former will be cut off from all supplies arriving by sea at the port of Copano.

On the evening of the 20th, F. W. Johnson, Esq., arrived at Refugio, and it was understood

that he was empowered by the General Council of Texas to interfere in my command. On the 21st, and previous to receiving notice of his arrival, I issued an order to organize the troops so soon as they might arrive at that place, agreeably to the "ordinance for raising an auxilliary corps" to the army. A copy of the order I have the honor to enclose herewith. Mr. Johnson then called on me, previous to the circulation of the order, and showed me the resolutions of the General Council, dated 14th of January, a copy of which I forward for the perusal of your Excellency.

So soon as I was made acquainted with the nature of his mission, and the powers granted to J. W. Fannin, Jr., I could not remain mistaken as to the object of the Council, or the wishes of individuals. I had but one course left for me to pursue (the report of your being deposed had also reached me) which was, to return and report myself to you in person—inasmuch as the objects intended by your order were, by the *extraordinary* conduct of the Council, rendered useless to the country; and, by remaining with the army, the Council would have had the pleasure of ascribing to me the evils which their own conduct and acts will, in all probability, produce. I consider the

acts of the Council calculated to protract the war for years to come ; and the field which they have opened to insubordination and to *agencies* without limit (unknown to military usage) will cost the country more useless expenditure than the necessary expense of the whole war would have been, had they not transcended their proper duties. Without integrity of purpose, and well devised measures, our whole frontier must be exposed to the enemy. All the available resources of Texas are directed, through *special* as well as *general agencies*, against Matamoras ; and must, in all probability, prove as unavailing to the interest as they will to the honor of Texas. The regulars at Goliad cannot long be detained at that station unless they should get supplies, and now all the resources of Texas are placed in the hands of *agents* unknown to the government in its formation, and existing by the mere will of the Council ; and will leave all other objects, necessary for the defence of the country, neglected, for the want of means, until the meeting of the Convention in March next.

It was my wish, if it had been possible, to avoid for the present, the expression of any opinion, which might be suppressed in the present crisis. But since I reported to your Excellency,

having had leisure to peruse all the documents of a controversial nature growing out of the relative duties of yourself and the General Council to the people of Texas, a resolution of the Council requiring of me an act of insubordination and disobedience to your orders, demands of me that I should enquire into the nature of that authority which would stimulate me to an act of treason or an attempt to subvert the government which I have sworn to support. The only constitution which Texas has is the "Organic Law." Then any violation of that law, which would destroy the basis of government, must be treason. Has treason been committed? If so, by whom, and for what purpose? The history of the last few weeks will be the best answer that can be rendered.

After the capitulation of Bexar, it was understood at headquarters that there was much discontent with the troops then at that point, and that it might be necessary to employ them in some active enterprise, or the force would dissolve. With this information was suggested the expediency of an attack on Matamoros. For the purpose of improving whatever advantages might have been gained at Bexar, I applied to your Excellency for orders, which I obtained, directing

the adoption of such measures as might be deemed best for the protection of the frontier and the reduction of Matamoros. This order was dated 17th of December, and on the same day I wrote to Colonel James Bowie, directing him, in the event that he could obtain a sufficient number of volunteers for the purpose, to make a descent on Matamoros; and if his force would not justify that measure, he was directed to occupy the most advanced post, so as to check the enemy, and by all means to place himself in a situation to command Copano. Colonel Bowie did not receive the order; having left Goliad for Bexar, he was not apprised of it until his arrival at San Felipe, about the 1st of January inst. My reason for ordering Colonel Bowie on the service was his familiar acquaintance with the country, as well as the nature of the population through which he must pass, as also their resources; and to this I freely add, there is no man on whose forecast, prudence and valor I place a higher estimate than Colonel Bowie.

Previous to this time, the General Council had adopted a resolution requiring the Governor to direct the removal of the headquarters of the army, and I had been ordered to Washington for their establishment until further orders. I had

been detained awaiting copies of the ordinances relative to the army. Their design was manifest, nor could their objects be misapprehended, though the extent to which they were then carrying them was not then known. Messrs. Hanks and Clements (members of the Council) were engaged in writing letters to individuals in Bexar, urging and authorizing a campaign against Matamoros, and that their recommendations might bear the stamp of authority, and mislead those who are unwilling to embark in an expedition not sanctioned by government, and led by private individuals, they took the liberty of signing themselves members of the Military Committee; thereby deceiving the volunteers, and assuming a character which they could only use or employ in the General Council in proposing business for the action of that body. They could not be altogether ignorant of the impropriety of such conduct, but doubtless could easily find a solid justification in the *bullion* of their patriotism and the ore of their integrity. Be their motive whatever it might, many brave and honorable men were deluded by it, and the campaign was commenced upon Matamoros under Dr. Grant, as "Acting" Commander-in-Chief of the Vounteer Army—a title and designation unknown to the world. But the

General Council, in their address to the people of Texas, dated January 11th, state that "they never recognized in Dr. Grant any authority whatever as an officer of the government or army, at the time." They will not, I presume, deny that they did acknowledge a draft or order drawn by him as Acting Commander-in-Chief, amounting to \$750. But this they will doubtless justify on the ground that your Excellency commissioned Gen. Burleson, and, of course, the appointment of Dr. Grant, as his Aid-de-Camp, would authorize him to act in the absence of General Burleson. It is an established principle in all armies that a staff officer can claim no command in the line of the army, nor exercise any command in the absence of the general, unless he holds a commission in the line. In the absence of General Burleson, the senior Colonel, in the absence of the Colonel, the Major, or in his absence, the senior Captain, would have the command; but in no event can the aid or staff officer, unless he holds a commission in the line of the army, have any command; and his existence must cease, unless he should be continued or reappointed by the officer of the line who succeeds to the command in the absence of his superior. When General Burleson left the army his aid had no command, but the

field officer next in rank to himself. Then who is Dr. Grant? Is he not a Scotchman who has resided in Mexico for the last ten years? Does he not own large possessions in the interior? Has he ever taken the oath to support the organic law? Is he not deeply interested in the hundred-league claims of land which hang like a murky cloud over the people of Texas? Is he not the man who impressed the property of the people of Bexar? Is he not the man who took from Bexar, without authority or knowledge of the government, cannon and other munitions of war, together with supplies necessary for the troops at that station, leaving the wounded and sick destitute of needed comforts? Yet this is the man whose outrages and oppressions upon the rights of the people of Texas are sustained and justified by the acts and conduct of the General Council.

Several members of that body are aware that the interests and feelings of Dr. Grant are opposed to the independence and true interests of the people of Texas. While every facility has been afforded to the meditated campaign against Matamoros, no aid has been rendered for raising a regular force for the defence of the country, nor one cent advanced to an officer or soldier of the regular army, but every hinderance thrown

in the way. The council had no right to project a campaign against any point or place. It was the province of the governor, by his proper officers, to do so. The council has the right of consenting or objecting, but not of projecting. The means ought to be placed at the disposition of the Governor, and if he, by himself or his officers, failed in their application, while he would be responsible for the success of the armies of Texas, he could be held responsible to the government, and punishable; but what recourse has the country upon agents who have taken no oath and given no bond to comply with the powers granted by the council?

The organic law declares, in article third, that "the governor and General Council have power to organize, reduce or increase the regular forces," but it delegates no power to create army agents to supercede the commander-in-chief, as will be seen by reference to the second article of the "Military" basis of that law. After declaring that there shall be a regular army for the protection of Texas during the present war, in the first article, it proceeds in the second to state the constituents of the army: "The regular army of Texas shall consist of one major-general, who shall be commander-in-chief of all the forces

called into public service during the war." This, it will be remembered, is a law from which the council derive their powers; and, of course all troops in service, since the adoption of this law, and all that have been accepted, or to be accepted, during my continuance in office, are under my command. Consequently the council could not create an *agency* that could assume any command of troops, so as to supercede my powers, without a plain and palpable violation of their oaths. New names given could not change the nature of their obligations; they had violated the "organic law."

I will now advert to an ordinance of their own body, entitled, "An Ordinance and Decree to Organize and Establish an Auxiliary Volunteer Corps of the Army of Texas," &c., passed December 5th, 1835. The ordinance throughout recognizes the competency of the governor and commander-in-chief as the only persons authorized to accept the services of volunteers and makes it their especial duty to do so. It also gives the discretion to the commander-in-chief to accept the services of volunteers for such term as "he shall think the defence of the country and the good of the service require." It is specified that muster-rolls shall accompany the

reports of volunteers, and when reported by the commander-in-chief to the governor, that commissions shall issue accordingly. Where elections take place in the volunteer corps, the ordinance declares that they shall be certified to the commander-in-chief, and by him forwarded to the governor. The third section of the law declares that when controversies arise in relation to the rank of officers of the same grade, they shall be determined by drawing numbers, which shall be done by order of the commander-in-chief of the army. This law was enacted by the General Council, and they cannot alledge that any misconstruction could arise out of it, for it plainly points out the duties of the governor and commander-in-chief, as defined by themselves. Yet, without the repeal of this law, they have proceeded to appoint agents to exercise the very powers declared by them to belong to the governor and commander-in-chief. This they have done under the impression that a *change of names* would enable them to put down the governor and commander-in-chief, not subject to them for their places, but created by the Consultation, and both of whom are as independent of the council as the council is of them—the commander-in-chief being subject to the organic law, and all

laws conformable thereto, under the orders of the governor. I have obeyed the orders of your Excellency as promptly as they have met my knowledge; and had not the council, by acts as outrageous to my feelings as they are manifestly against law, adopted a course that must destroy all hopes of an army, I should yet have been on the frontier, and by all possible means I would at least have sought to place it in a state of defence.

It now becomes my duty to advert to the powers granted by the General Council to J. W. Fannin, jr., on the 7th of January, 1836, and at a time when two members of the Military Committee, and other members of the council, were advised that I had received orders from your Excellency to repair forthwith to the frontier of Texas, and to concentrate the troops for the very purpose avowed in the resolutions referred to. The powers are as clearly illegal as they were unnecessary. By reference to the resolutions it will be perceived that the powers given to J. W. Fannin, jr., are as comprehensive in their nature, and as much at variance with the organic law and the decrees of the General Council, as the decrees of the General Congress of Mexico are at variance with the federal constitution of 1824, and really delegate to J. W. Fannin, jr., as ex-

tensive powers as those conferred by that Congress upon General Santa Anna; yet the cant is kept up, even by J. W. Fannin, jr., against the *danger* of a regular army, while he is exercising powers which he must be satisfied are in open violation of the organic law. J. W. Fannin, jr., is a Colonel in the regular army, and was sworn in and received his commission on the very day that the resolutions were adopted by the Council. By his oath he was subject to the orders of the commander-in-chief, and as a subaltern could not, without an act of mutiny, interfere with the general command of the forces of Texas; yet I find in the "Telegraph" of the 9th inst. a proclamation of his, dated on the 8th, addressd, "Attention, Volunteers!" and requiring them to rendezvous at San Patricio. No official character is pretended by him, as his signature is private. This he did with the knowledge that I had ordered the troops from the mouth of the Brazos to Copano, and had repaired to that point to concentrate them. On the 10th inst. F. W. Johnson issued a similar proclamation, announcing Matamoros as the point of attack. The powers of these gentlemen were derived, if derived at all, from the General Council in opposition to the will of the Governor, because cer-

tain purposes were to be answered, or the safety and harmony of Texas should be destroyed.

Col. Fannin, in a letter addressed to the General Council, dated on the 21st January, at Velasco, and to which he subscribes himself "J. W. Fannin, jr, Agent Provisional Government," when speaking of anticipated difficulties with the commander-in-chief, allays the fears of the council by assuring them, "I shall never make any myself," and then adds: "The object in view will be the governing principle, and should General Houston be ready and willing to take command, and march direct ahead, and execute your orders, and the volunteers to submit to it, or a reasonable part of them, I shall not say 'nay,' but will do all in my power to produce harmony." How was I to become acquainted with the orders of the council? Was it through my subaltern? It must have been so designed, as the council have not, up to the present moment, given me official notice of the orders to which Colonel Fannin refers. This modesty and subordination on his part is truly commendable in a subaltern, and would imply that he had a right to say "nay." If he has this power, whence is it derived? Not from any law—and contrary to his sworn duty as my subaltern, whose duty

is obedience to my lawful commands, agreeably to the rules and regulations of the United States army, adopted by the Consultation of all Texas. If he accepted any appointment incompatible with his *obligation* as a Colonel in the regular army, it certainly increases his moral responsibilities to an extent which is truly to be regretted.

In another paragraph of his letter he states: "You will allow that we have too much division, and one cause of complaint is this very expedition, and that it is intended to remove General Houston."

He then assures the council that no blame shall attach to him, but most dutifully says: "I will go where you have sent me, and will do what you have ordered me, if possible." The order of the council, as set forth in the resolutions appointing Col. Fannin agent, and authorizing him to appoint as many agents as he might think proper, did most certainly place him above the governor and commander-in-chief of the army. Nor is he responsible to the council or the people of Texas. He is required to report, but he is not required to obey the council. His powers are as unlimited and absolute as Cromwell's ever were. I regard the expedition as now ordered as an individual and not a national measure. The resolutions passed

in favor of J. W. Fannin, jr., and F. W. Johnson, and their proclamations, with its original start—Dr. Grant—absolve the country from all responsibility for its consequences. If I had any doubt on the subject previous to having seen at Goliad a proclamation of J. W. Fannin, jr., sent by him to the volunteers, I could no longer entertain one as to the campaign, so far as certain persons are interested in forwarding it. After appealing to the volunteers, he concluded with the assurance “*that the troops should be paid out of the first spoils taken from the enemy.*” This, in my opinion, connected with the extraordinary powers granted to him by the council, divests the campaign of any character save that of a piratical or predatory war.

The people of Texas have declared to the world that the war in which they are now engaged is a war of principle, in defence of their civil and political rights. What effect will the declaration above referred to have on the civilized world—when they learn that the individual who made it has since been clothed with absolute powers by the General Council of Texas, and, that because you, [as governor and commander-in-chief], refused to ratify their acts, they have declared you no longer governor of Texas? It was

stated by way of inducement to the advance on Matamoros, that the citizens of that place were friendly to the advance of the troops of Texas upon that city. They no doubt, ere this, have J. W. Fannin's proclamation, (though it was in manuscripts) and, if originally true, what will now be their feelings towards men, who "are to be paid out of the first spoils taken from the enemy." The idea which must present to the enemy, will be, if the city is taken it will be given up to pillage, and when the spoils are collected, a division will take place. In war, when spoil is the object, friends and enemies share one common destiny. This rule will govern the citizens of Matamoros in their conclusions and render their resistance desperate. A city containing twelve thousand inhabitants will not be taken by a handful of men who have marched twenty-two days without bread-stuffs or necessary supplies for an army.

If there ever was a time when Matamoros could have been taken by a few men, that time has passed by. The people of that place are not aware of the high-minded, honorable men who fill the ranks of the Texian army. They will look upon them as they would look upon Mexican mercenaries, and resist them as such. They too will hear of the impressment of the property of

the citizens of Bexar, as reported to your Excellency, by Lieutenant-Colonel Neill, when Dr. Grant left that place for Matamoros, in command of the volunteer army.

If the troops advance on Matamoros there ought to be a co-operation by sea with the land forces, or all will be lost, and the brave men who have come to toil with us in our marches and mingle in our battles for liberty, will fall a sacrifice to the selfishness of some who have individual purposes to answer, and whose influence with the council has been such as to impose upon the honest part of its members; while those who were otherwise, availed themselves of every artifice which they could devise to shield themselves from detection.

The evil is now done, and I trust sincerely that the 1st of March may establish a government on some permanent foundation, where honest functionaries will regard and execute the known and established laws of the country, agreeably to their oaths. If this state of things cannot be achieved, the country must be lost. I feel, in the station which I hold, that every effort of the council has been to mortify me individually, and, if possible, to compel me to do some act which would enable them to pursue the same measures

towards me which they have illegally done toward your Excellency, and thereby remove another obstacle to the accomplishment of their plans. In their attempts to embarrass me they were reckless of all prejudice which might result to the public service from their lawless course.

While the council was passing resolutions affecting the army of Texas, and transferring to J. W. Fannin, jr., and F. W. Johnson the whole control of the army and resources of Texas, they could order *them* to be furnished with copies of the several resolutions passed by that body, but did not think proper to notify the major-general of the army of their adoption; nor have they yet caused him to be furnished with the acts of the council, relative to the army. True it is they passed a resolution to that effect, but it never was complied with. Their object must have been to conceal, not promulgate their acts. "They have loved darkness rather than light because their deeds are evil."

I do not consider the council as a constitutional body nor their acts lawful. They have no quorum agreeably to the Organic Law, and I am therefore compelled to regard all their acts as void. The body has been composed of seven-

teen members, and I perceive that the act of "suspension" passed against your Excellency was by only ten members present; the president pro tem, having no vote, only ten members remain when less than twelve could not form a quorum agreeably to the Organic Law, which required two thirds of the whole body. I am not prepared either to violate my duty or my oath, by yielding obedience to an act manifestly unlawful, as it is, in my opinion, prejudicial to the welfare of Texas.

The lieutenant-governor, and several members of the council, I believe to be patriotic and just men; but, there have been, and when I left San Felipe there were, others in that body on whose honesty and integrity, the foregoing facts will be the best commentary. They must also abide the judgment of the people. I have the honor to be,

Your Excellency's obedient servant,

SAM HOUSTON,

Commander-in-Chief of the Army.

Gen. Houston's clear exposition of facts, principles and military law so fully establishes the factious and illegal acts of the council, and so incontrovertibly upholds the attitude of Governor Smith, as to need neither fable nor cunningly devised subterfuge in its support. It also

graphically reveals the astounding state of successive facts which culminated in calling forth the indignant and denunciatory communication of the 9th of January from Governor Smith.

On the 6th of January Governor Smith wrote a letter to Major William Ward, of the Georgia Battallion, then encamped in the territory of Brazoria. This was after having had, a short time before, a full interchange of views with Major Ward at San Felipe. A portion of that letter is here presented.

Dear Sir.—I am sorry to say that much deep laid management and intrigue have been and still are being used here to overthrow the government and bring about an assimilation of the Mexican policy. It keeps me, as you well know, extremely busy to counteract their plans.

To a stranger, like you, I am sorry to say it, because you can not see through or understand their policy and, as such, must be at a loss to know whether they or we are right. I perfectly understand them. You do not! You can not imagine to what the heretofore dominant but now expiring party would resort to save and sustain their heretofore rascally acquirements. They consider that all is now on the die; that if honesty is sustained and Texas becomes inde-

pendent, all by us honestly gained, would be so much lost to them. They are using every exertion, to get an expedition fitted out, to suit their own purposes. They want their own leaders, but they still want the sanction of the government. They have means, and many of the council are needy and, I fear, corrupt. They are at least timid, and lack courage and firmness. They (the intriguers) are vigilant and spare no pains to buy up men, who they consider would have influence with the army. I well know their situation and plans, and if they should succeed, I honestly tell you, Texas is lost to all honest men. They may overpower, but they can not deceive me. They resort to every kind of intrigue, and management; but I am not idle. They wish to have the control of the army in fitting out the expedition and finally to give laws to Texas. But I confidently hope, that Texas will yet become herself, and be ruled by her own laws. Every man that is not in favor of Texas becoming independent and free, distrust him! Every one that wishes to supercede the commander-in-chief, or not recognize him in his proper place, distrust him! I have anticipated them and ordered the commander-in-chief forthwith to proceed to the frontier, take charge of

the army, establish his headquarters at the most eligible point, and to immediately concentrate his troops, at the different points, so as to be in readiness for active operations, at the earliest possible day. A descent will be made on Matamoros, as soon as it can possibly be fitted out. You will therefore obey the order given to you as soon as circumstances will permit. You will however not forget the election, (for members of the independence convention). I consider that all important. Some men of whom I have cautioned you are making bold moves to become commanders-in-chief of expeditions. I will rob them of the army and they will be flat.

They have hoisted a flag at Bexar for independence, with Gen. Houston's name upon it! This I have learned to be the fact. I find it necessary, in order to circumvent them, to order Gen. Houston immediately to take charge. He will obey the order promptly. * * *

My duties are arduous in the extreme, and my situation by no means enviable. Without means, harrassed, by the disbanding of a mob, called an army, a new organization, without precedent, to call organization and system out of anarchy and confusion, to give audience to all. * * *

I have been placed by my fellow citizens, on the

political watch tower. I feel the responsibility and confidently hope I may prove a faithful sentinel. On one point however, I am settled, *the country shall be saved, or I perish!*

You will communicate this to Col. (William G.) Hill, with my best respects. Tell him I had not time to write him, for the fiends of destruction are on the alert. He knows my situation and will excuse me. * * * * *

Farewell,

HENRY SMITH.

From his camp, on the 21st of January, after having learned of the pretended suspension of the governor, Major Ward, [the same gallant gentleman who fell as Lieutenant-Colonel in the Fannin massacre, March 27,] answered Governor Smith's letter, in terms showing his full agreement with that gentleman's views and recognizing him as the rightful and only governor. He also reports the vote of his volunteers for four delegates to the convention of independence thus: James Collingsworth 157, Asa Brigham 156, Elwin Waller 150, J. S. D. Byrom 150, and Franklin 15. He said: "Franklin being a Georgian, some voted for him, but I hope not enough to injure our cause. I consider the success of the independence ticket certain in this

jurisdiction." In this he was correct. The four gentlemen named were triumphantly elected and their names subscribed to the Declaration of Independence, on the 2nd day of March. Major Ward also used this emphatic language:

"We Georgians came here to defend the cause of Texas. Nothing shall deter us from pursuing a straightforward course, and I assure you that unless independence is declared in March, every man will lay down his musket and march back. But if independence is declared not only those here but hundreds of others will be ready to shed their blood in the cause of Texas. I am compelled to communicate the mortifying intelligence that a few of our men have deserted us; but I hope the people of Texas will not distrust all Georgians because we have a few cowardly and unprincipled scoundrels among us." Again he says: "I am under lasting obligations to you for the frank and open manner in which you have been pleased to address me. Allow me to assure you that the confidence placed in me shall never be forgotten." It was expressions like this from volunteers to which Austin took exception in his letter to Royal of December 25th, denouncing Wharton.

On the 15th Dr. Charles B. Stewart, the enlightened Executive Secretary, presented the following reply to the council's command, requiring him to plead to the accusations against him. It explains itself.

SAN FELIPE, January 15, 1836.

To the President and members of the Council :

Gentlemen.—Your commands requiring me to answer to the charges of “contumely and contempt” for your honorable body in non obedience to certain resolutions, I will endeavor to comply with.

The construction which I have and am compelled to place upon the 16th article of the Organic Law admits no room for me to consider the existence of any other Provisional Government, than that created by the superior power of the convention ; which, consisting of a governor and council, constituting a Provisional Government, were to exist until a re-convention or the establishment of another government.

Your honorable body, and his Excellency Henry Smith, thus created, it is my duty to regard, the one as the proper legislative body, the other as the only executive power. In my own capacity, *created by the General Council*, claimed by the Executive, and executing the

duties of an officer of the General Council, it would be difficult to determine by whom I should be controlled, did not the nomination and appointment as secretary to the executive department, and the duties defined in the law creating a treasury, secretary, &c., defining their duties, clearly place me subject to the Executive head, its immediate control. *In reason and truth* I have not much to alledge to absolve myself of the charges above referred to, of "contempt of the representatives in council of the sovereign people," and if possible to prevent the recurrence of them by such course as your honorable body may think best; and by granting me permission to tender my resignation.

I have the honor to be,

CHARLES B. STEWART.

Dr. Stewart, an ardent friend, then and ever afterwards to Governor Smith, and an early advocate of independence, was endorsed by the people of the municipality of Austin, the seat of government, by an election to the convention, wherein he signed the Declaration of Independence. He subsequently served much in public life—was one of the framers of the constitution of 1845 and was in the first and other legislatures under it; his last service being in the legis-

lature of 1882, forty-six years later. But for great deafness for many years his services would have been much greater. He was a true son of South Carolina—a refined and elegant gentleman, and lived till early in 1886. On receipt of his reply the council fined him \$2,500 for contempt and suspended him from the office he had already resigned. But none of them or their adherents every undertook to collect the money.

On the 16th of January the “Acting” governor sent in this communication.

Gentlemen.—I beg leave respectfully to ask your attention to the importance and necessity of having a secretary to the Executive, as it is difficult if not impossible, to discharge the functions of that important department without an efficient person to fill that situation; and allow me to ask, as a particular favor, the appointment of E. M. Pease, Esq., as eminently qualified to perform the duties of the office. But, this, as also all other appointments, being exclusively within your province to make, I will cheerfully acquiesce in any selection you, in your better judgment, may deem best calculated to promote the public welfare.

Letters and communications daily arrive in this place, through the post office, by express and

by private conveyance, directed to "*Henry Smith, Governor of Texas.*" I would ask your honorable body to direct me, as my legal advisors, whether, being so officially directed, I ought to open them as the only legal Executive. I am without any means of knowing what instructions have been given to our foreign agents, or the Indian commissioners, or orders to the commanding general, or any officer either civil or military; neither do I know what laws are, and what are not, published. And as the order of your honorable body make it my imperative duty to cause them to be published in the Telegraph and Register of San Felipe de Austin, and in the Texian and Emigrant's Guide in Nacogdoches, it will be difficult for me to perform my duty in relation thereto, unless I am put in possession of the public archives, now in the possession of my predecessor, and by him pertinaciously withheld through the instrumentality of his late secretary. With sentiments of great respect,

I am your obedient servant,

Jan. 16, 1836.

JAMES W. ROBINSON.

The council also passed a resolution appointing a committee of five, *in event of there not being a quorum* present, two thirds of the members being required, "to provide expresses for the acting

Governor, James W. Robinson, to send for absent members of the General Council and to aid and counsel the Executive aforesaid in giving advice and instructions to foreign agents; to carry into effect the Indian treaty," and in all things to aid, advise, assist, instruct in any manner as the General Council should act co-operatively with the Executive. [A virtual abdication of its power.]

Again on January 17th, the last day on which the council pretended to have a quorum, though in fact they did not and had not had a quorum since the 9th, they

Resolved, That a committee of Finance shall be appointed to consist of three, when there is not a quorum of members of the General Council present, who shall be and are hereby authorized to pass and allow accounts or claims against the government under the same rules and restrictions the General Council has heretofore done, and they shall be and are hereby vested with the same equitable power that now vests in the General Council, and shall have the power to draw for contingent expenses and to do all other acts as fully and completely, connected with the object of their appointment, as the General Council has heretofore done; and the president of the council shall be ex-officio a member of said committee.

This extraordinary resolution, adopted when there was no quorum, was as illegal as its phraseology was awkward. A full council by unanimous vote, had no right to delegate such power to a committee.

But they went farther and

Resolved, That in case there be no quorum the “acting governor of Texas” be and is hereby clothed with full and ample power, by and with the advice of the advising committee, to enforce and carry into effect all ordinances, laws and resolutions, passed, adopted or enacted by the General Council of the Provisional Government and all other laws of Texas

On the same eventful day Barrett introduced and the council passed an ordinance creating the office of marshal of Texas. This act, in the last throes of dissolution, as will be speedily shown, was a last desperate effort to subdue and conquer Governor Smith through the semblance of legal formality.

Immediately thereupon John H. Money was elected marshal. Then succeeded the following farcical proceedings, rapidly intensifying the disgust of the country at the factious course of the handful who yet opposed independence and

who had been the fomenters of the discord existing in the military defence of the country.

To Henry Smith, Esq., late Governor of Texas:

In accordance with the following resolution passed by the General Council of the Provisional Government of Texas on the 17th inst., viz:

Be it resolved by the General Council of the Provisional Government of Texas, That the late Governor, Henry Smith be, and he is hereby required, within two hours after notice thereof given, to surrender possession of all the papers, records, public correspondence and public documents of every kind belonging to the Executive department of Texas, or cause the same to be delivered to the proper officer of this government, who is authorized to receive the same; and that due notice of this resolution shall be given the late Governor, Henry Smith aforesaid, with the name of the officer who is authorized to receive the papers, documents, &c., as aforesaid. You are, therefore, hereby notified that John H. Money, Marshal of Texas, is authorized to receive all papers, records, public correspondence and public documents of every kind belonging to the Executive Department, now in your possession, or

under your control and this shall be the notice required to be given by the resolution aforesaid.

SAN FELIPE DE AUSTIN, Jan. 19, 1836.

JOHN McMULLEN,

President *pro tem* of General Council.

JAMES W. ROBINSON,

Acting Governor.

To John H. Money, Marshal of Texas.

In accordance with the order within directed to me, I executed the notice on Henry Smith, late Governor of Texas, by leaving a copy with him at the hour of three o'clock, p. m., but did not obtain the papers, he refusing to give them up.

SAN FELIPE DE AUSTIN, 20th Jan., 1836.

J. H. MONEY,

Marshal of Texas.

This brought forth the following:

To John H. Money, Esq., Marshal of Texas.

You will, on sight or knowledge of this, proceed to serve a notice of this date upon Henry Smith, Esq, late Governor of Texas, and receive the papers, &c., therein specified, if he gives you possession of the same, and make return of your proceedings to this department, in due time.

JAMES W. ROBINSON,

Acting Governor.

SAN FELIPE DE AUSTIN, Jan. 20, 1836.

On the next day, the 21st, the "Acting" governor issued this mandate :

To John H. Money, Marshal of Texas.

IN THE NAME OF THE PEOPLE FREE AND SOVEREIGN.

We command you, that you forthwith proceed to take from the possession of Henry Smith, late Governor of Texas, all papers, records, public correspondence, and public documents of every kind, belonging to the Executive Department of Texas, by authority of a resolution passed by the General Council of the Provisional Government of Texas on the 17th day of January, 1836, and place them in the charge and safe keeping of the Secretary *pro tem* of the Executive, (Edward B. Wood,) and if the said Henry Smith, late Governor as aforesaid, or any other person or persons shall resist you in the execution of this command, you are hereby further commanded to call to your aid the power of the country, all officers of the civil and military, and all citizens of the country, who are hereby required and ordered to obey your call. And make due return of this writ to the Executive Department, together with your endorsement thereon and how you have executed the same forthwith.

JAMES W. ROBINSON,
Acting Governor.

Jan. 21, 1836.

The marshal, on the next day, made return in the subjoined language :

“In accordance with the order within, to me directed, I demanded the public documents therein specified of Henry Smith, late Governor of Texas, who refused to give them up.

I proceeded and summoned twelve persons to enforce said order, nine of which refused to act.

J. H. MONEY,

Jan. 22, 1836.

Marshal of Texas.”

P. S. Those who refused to act were John Rice Jones, (then and afterwards Postmaster-General,) Joshua Fletcher, M. H. Wenburn, A. W. Ewing, W. P. Haft, Moseley Baker, (Captain at San Jacinto,) ————— Dr. Robert Peebles and “Don” Jose Baker, (editor of the Telegraph)—9.

Those who were willing to act were John B. Johnson, Thomas Gay and H. C. Hudson—3.

Three to one! Nine to three! A fair index to the popular sentiment of the people at the time as between Governor Smith and the remnant of the council and its man of straw styled “Acting Governor.”

On the 18th Governor Smith had addressed this characteristic note to Robinson, the Lieutenant-Governor, then inflated with the vain desire of superseding his frank and independent chief.

SAN FELIPE, January 18, 1836.

Sir—Circumstances render it necessary that I should address you on the present occasion. When once I have formed favorable opinions of a man from hasty acquaintance, resting alone on the circumstances which brought it about, I feel always unwilling to change that favorable impression unless I have proofs convincing, in themselves, that my prepossessions have been founded in error. My acquaintance with you is of that description. It has been short, and brought about by circumstances. My impressions and prepossessions were in your favor. I have treated you with the utmost friendship and courtesy, and would like to continue it if your own acts did not convince me that my confidence had been misplaced. If so, I am prompt and decisive in my feelings and character as a public officer. My course is marked and I will pursue it. I have lived long in the country; I have many and strong friends, who have confidence in my integrity, and will sustain me; I have nothing to fear on that account. An intimation from me is all that would be necessary. You are a stranger in the country and of course your claims are not so strong. You have laid yourself open to impeachment or, as the matter now

stands, you have impeached yourself. You have raised the seals of secrecy and will now compel me, against my will, to expose you. You have a right to know I was willing to spare you, but you now force me to it. I charged your body with the crime of passing resolutions, predicated on false premises, without a quorum. You, sir, was their presiding officer and certified to me their acts. You ought not to certify a wrong, and thereby deceive me. You are certainly liable for the acts which you certify. You have forced yourself into my power, and I am sorry for it. I had no wish to expose, injure, or conflict with you. I know my duties and powers. I well knew I could not adjourn your body regularly without their consent, but I also knew I could *take the responsibility* and cut off their correspondence. For this I am amenable to my peers and not to your body. They did not make, nor can they break me; nor can you, with all the plastic power of your council chamber, upon what you may vainly conceive to be my ruin. You, as a legal and sensible man, ought to know better. You must not assume such authority. I will not have my prerogative infringed. I presume you have intercepted correspondence directed to me as the governor. If so, I consider

it an assumption on your part and one of which I have a right to complain. My feelings towards you have been kind and friendly, and I would be glad for such to continue, but I believe the course you have pursued, prompted from your vain and illusory hopes, will compel me to expose you. If so, you will not have me to blame. I would willingly evade it. I would advise you as a friend, to consider the ground which you occupy and the authority by which you act, for I assure you I will discharge my duty as an officer and act promptly. I give you this friendly admonition in order that you may not deceive yourself.

Respectfully,

HENRY SMITH.

To J. W. Robinson, Esq.

Reference has been made to a letter from Austin to Houston, written in New Orleans, January 7th, 1836, announcing a total change in his views in regard to independence, since his letter to certain members of the council, sixteen days before, written at Quintana, December 22nd.

An old veteran of the Texas revolution, as this work progresses, has sent the author a letter just published in the San Antonio Express of May 15th, 1887, written at Quintana, December 25th, 1835, three days after

that to members of the council, by Austin to R. R. Royal. It was a private letter, preserved as such for over fifty-one years, but has thus been made public property, and is therefore inserted in full.

QUINTANA, December 25, 1835.

Dear Sir.—The affairs of Texas are more entangled than I suspected they were. While the real friends of the country have been laboring in good faith for the general good of all, a few men, an unprincipled party, have clanned together to get possession of the public affairs to promote their own aims of ambition and personal aggrandisement. There has been much low intrigue, and amongst others I have been deceived and treated with bad faith. My whole thoughts and soul were devoted to the common cause of Texas, and I could not suffer even my suspicions to descend so low as to suppose that there were individuals who could be influenced by any other motives than purely patriotic ones. I ought to have known better, but I was unwilling to believe that so much bad faith and political dishonesty and low intrigues existed as I am now compelled to believe has been and no doubt will continue to be practiced by Wharton and a few others.

What ought the owners of the soil, the old settlers of Texas, who have redeemed this country from the wilderness and made it what it is, think of men who will collect the signatures of persons on their first landing, who had not been here a day, or only a few days in the country, and attempt to impose a paper thus signed upon the world as the opinion of the people of Texas? This has been done here, and a large number of names collected to a paper for declaring independence. It is time for the people of Texas to look to their true interest and distinguish between those who serve them in good faith and those who are mere political jugglers and base political intriguers.

I am associated in a mission to the United States with a man that I cannot act with—a man whose conduct proves that he is destitute of political honesty, and whose attention is much more devoted to injure me than to serve the country. *I mean Wharton.* Dr. Archer, I believe, is governed by pure intentions, but he is very wild, as I think, as to his politics, and too much inclined to precipitate this country into more difficulties than there is any necessity for. Associated with such men, what have I to expect? or what has the country to hope? The war is

now taken beyond the limits of Texas. Why bring it back by adopting such a course as must and will turn all parties in Mexico against us? Will the people of this country suffer themselves to be jeopardized in this manner by a few men who attempt to assume their voice?

I have given my opinion on these matters in a letter to the Provisional Government, which Col. Fannin takes up, and to which I refer you. [His letter of December 22nd]. The fact is that Texas is now in the hands of a party, and the whole objects of this party are to retain the power and serve themselves. If they are not checked they will saddle the people with an army and a debt, and involve them in a war that will be difficult to bear. The people ought to look to their interests before it is too late. I find that I have but little to expect, that is if I am to judge of the future by the past few months, and that I can be of but little use to Texas. I go on this mission from a sense of duty. It is a bad example for any one to refuse the call of the people when the country is in difficulty. I have been called to go, and I obey the call; but if party influence and low intrigue and cabals are to govern Texas, I wish to have as little to do with her affairs in future as possible.

Perhaps I am myself somewhat to blame. My unsuspecting disposition and the great importance I have always attached to union and harmony, may have led me into errors by trusting and countenancing men who were unworthy of my notice or of confidence. When I arrived here last September I found the country distracted and divided. My first object was to try and unite and harmonize, and I set the example by harmonizing and acting with my personal enemies. I did it in good faith and in the firm belief that I was serving Texas by such a course. Had there been good faith in the men I thus attempted to harmonize, it would have been a service to the country, but there was not, and for this reason the course I adopted did harm. I find that parties must and will exist. I have heretofore tried to keep them down. I have never been a party man, but in future I believe the public good will be promoted by having the parties clearly and distinctly marked—let a line be drawn between them—let the people understand that such a line is drawn and judge for themselves. Jackson's rule is a true one—everything for friends and nothing for enemies.

I beg leave to recommend my friend Col. Fannin to you and my friends generally as a

man who is identified with the *soil* and *interests* of Texas, and an honorable soldier.

Farewell,
S. F. AUSTIN.

The allusion to the signatures obtained of newly arrived persons, probably not understood at the time by Gen. Austin, was an expression by volunteers from the United States that they desired to fight for Texas as a Republic, and not as a mere province of Mexico.

The old veteran sending this newly published letter to the author says: "The schemers and low intriguers mentioned by Austin, were the patriotic founders of INDEPENDENT TEXAS, now the Empire State of our Union. Austin stigmatizing Wm. H. Wharton as *destitute of honesty* is exasperating to all who knew him intimately. I do not believe that a purer, more honest or patriotic person existed on Texas soil at that time. In fact, a man with such a wife as he had, could not be otherwise."

Thirteen days later Austin wrote the following to Gen. Houston, a knowledge of which becoming public soon after, destroyed the last hope of the enemies of independence, both in and outside of the council, who seem to have relied on Austin's course in the United States as calculated to strengthen their cause.

NEW ORLEANS, January 7, 1836.

Gen. Sam Houston :

Dear Sir.—In all our Texas affairs, as you are well apprised, I have felt it my duty to be cautious in involving the pioneers and actual settlers of the country by any act of mine until I was fairly and fully convinced of the necessity and capabilities of our country to sustain it. Hence it is that I have been censured by some for being over cautious. Where the fate of a whole people is in question, it is difficult to be over cautious or too prudent. Besides these general considerations, there are others which ought to have weight with me individually. I have been either directly or indirectly the cause of drawing many families to Texas ; also the situation and circumstances in which I have been placed have given considerable weight to my opinions. This has thrown a heavy responsibility upon me ; so much so that I have considered it my duty to be prudent, and even to control my own impulses and feelings. These have long been impatient under the state of things which has existed in Texas and in favor of a speedy and radical change. But I have never approved of the course of forestalling public opinion by party or partial meetings, or by management of

any kind. The true course is to lay facts before the people and let them judge for themselves. I have endeavored to pursue this course.

A question of vital importance is yet to be decided by Texas, which is a Declaration of Independence. When I left Texas I thought it was premature to stir this question and that we ought to be very cautious of taking any step that would make the Texas war purely a national war, which would unite all parties against us, instead of it being a party war, which would secure to us the aid of the federal party. In this I acted contrary to my own impulses, for I wish to see Texas free from religious intolerance, and other anti republican restrictions, and, independent at once; and, as an individual, have always been ready to risk my all to obtain it; but I could not feel justifiable in precipitating and involving others until I was fully satisfied that they would be sustained. Since my arrival here I have received information which has satisfied me on that subject. I have no doubt we can obtain all and even much more help than we need. I now think the time has come for Texas to assert her natural rights, and were I in the convention I would urge an immediate Declaration of Independence. I form this opinion from

the information now before me. I have not heard of any movement in the interior by the federal party in favor of Texas, or of the constitution. On the contrary, the information from Mexico is, that all parties are against us, owing to what has already been said and done in Texas in favor of independence and that we have nothing to expect from that quarter but hostility. I am acting on this information, if it be true, and I have no reason to doubt it. Our present position in favor of the republican principles of the constitution of 1824 can do us no good, and it is doing us harm by deterring that kind of men from joining us that are most useful.

I know not what information you may have in Texas as to the movements of the federal party in our favor, nor what influence they ought to have on the decision of this question, this being a matter on which the convention alone can determine. I can only say, that with the information now before me, I am in favor of an immediate Declaration of Independence. Santa Anna was at San Luis Potosi at last accounts marching on rapidly with a large force against Texas. We must be united and firm and

look well to the month of March, and be ready. I shall try to be at home by that time.

Yours respectfully,

S F. AUSTIN.

On the 22nd of January Governor Smith issued the following :

ADDRESS TO THE PEOPLE OF TEXAS—USURPATION
AND CORRUPTION.

Fellow Citizens.—Placed on the political watch-tower by your suffrage, I consider it my duty to guard and protect your interests. As the Executive officer of the government recently organized, provisionally, from necessity as a first step from anarchy and confusion, I, with diffidence and honest intentions entered on the duties of my office.

The government so organized, it will be found by a reference to the Organic Law, is circumscribed, both in its powers and its duties. I consider that the council on their part, have performed all the duties contemplated by that law, and from their recent conduct, have become a nuisance, and a heavy tax to the public, without producing any benefit. Circumstances have recently rendered it necessary for me to take a bold and decisive course with the council ; some of whom I considered had amalgamated and

united themselves with the speculators and swindlers, whose aim has ever been to trammel and ruin the true interests of the country. I found the conspiracy had become strong, and that exceptions taken by me, although it would screen me from public censure, yet would not protect the interests of the country. And these, with similar reasons, impelled me to the course I have pursued. The communication from me to the council, of which they complain, under date of the 9th inst., was not a public correspondence, nor was it intended for the public eye. It was a private correspondence addressed to a secret session [to be convened at his request, January 10th, being Sunday,] and intended to arouse the honest to watchfulness, and goad the dishonest as they deserved. They have, however, committed a breach of faith, torn open the seals, and published to the world their infamy. They have created offices which have been filled by themselves and their minions, until they have become contemptible in numbers and conduct. They have made public a private document, which cannot be well understood by any but themselves, as it refers to their own acts, which have not been made public. They have come out with a long, well written tissue of falsehoods,

and I have all the necessary documents to prove it to be so; but I have no wish, by way of recrimination, to trouble the public. They are well paid for writing, but I have more important duties to perform. I have no wish to trouble the public, but their interest I will protect. The imputations were strong, pointed and they felt them as I intended they should. They have published their own infamy to the world, by way of exciting public sympathy. In my private correspondence I screened their president; but in my public I dare not. He was a stranger to me, and to most of you, and as such I had no wish to impeach him, and was willing to make every possible allowance; but his conduct proves him to be a vain man, and easily tickled into office. It is a bad omen to see a man attempt to climb over what he vainly conceives to be another's ruin, and seize with avidity the gubernatorial reins, intercept the public correspondence, and proclaim himself the governor of the land. I say to him he walks on deceitful ashes, underneath which there is fire. My own claims are slight enough, not having emanated from the people, but from a convention of the representatives of the people. He derives his authority from a bold assumption of power, aided by a

goaded council, and in part corrupt, insignificant in numbers, and who are only the representatives of the representatives of a very small portion of the people of Texas. They, however, seem to think that the fate of the country is in their hands, and depends solely on their continued presence in the council hall, and that their adjournment will bring down inevitable ruin on the country. But, fellow citizens, I feared they had too much the fate of the country in their hands. This was one grand reason why I wished them adjourned. If I should be permitted to judge, I would suppose the planetary system would receive no great shock; that the sun would continue to rise and set, as formerly; the earth continue its rotary motion; that we would still be blessed with seed time and harvest, and that if the wheels of this government, now put in motion, should from any cause, become clogged or impeded, they were notified that they would be immediately called by proclamation. I know my duties, and I know my powers. I am well aware I had not the power to adjourn the council without their co operation or consent; but I knew I could cut off their correspondence, with my department, and prevent them from doing further mischief until the convention met, and

be accountable to the people for so doing. I also well knew that they did not make, nor can they break me. For my conduct, I am amenable to my peers, and not to the council. They have long been without a constitutional quorum, and they had a presiding officer whose duty it was to know the fact, and not make false certificates to me, calculated to deceive, to the injury of the public, and I would permit it no longer. They have taken exceptions, and preferred their charges and specifications, in substance and form, on which I have joined issue. They notified me, if I did not appear in three days and plead, that the trial would go on before the council, *ex parte*; or that I might appear and plead in convention. I acknowledged the receipt of the charges preferred, and made a demand of the president for a list of the names of the members present and up to the first of the month, inclusive; for by their own acts, and the testimony of their own body, I expected to acquit myself of all the charges preferred against me: and that, inasmuch as I had already been condemned by their body, reason would direct the latter alternative, and that as a public officer I was amenable to my peers, and to none other. They have refused or neglected to furnish the list, and instead

thereof, the usurper has made a peremptory demand, (by his officer, whom he styles a marshal,) of all the archives of my office, and that two hours only were allowed for me to make the delivery. This I view as an unwarranted outrage, amounting to treason; for I had notified them, that on those very acts I predicate my defence. I appeal fellow citizens, not for your sympathies, I appeal for justice; even-handed justice is all I ask at your hands. My acts are open to your investigation. If I have betrayed the important trust; if I have erred, either by omission or commission, I hold myself amenable to *you*. If my rights and immunities, as your Executive officer, have been insulted and infringed, punish the intruders and aggressors, their counsellors, aiders, and abettors, promptly, and restore the legitimate action of the government. This is the second time I have been interrupted in the regular discharge of my functions as the chief Executive of Texas, in the course of a few months; first by a Mexican, who was prompted to grasp the reins, and now by an usurper, whose vanity has prompted him to mount the gubernatorial chair, proclaim himself governor, and rule the destinies of the country. If these things are permitted to go unpunished, what can we expect but

confusion, followed by ruin and disgrace ; predatory parties fitted out by land and sea, on the faith and the credit, and I may justly say, the ruin of the country. The siege of Bexar, with the consequences and subsequent management, I would suppose, ought to be sufficient to teach us a lesson. That fortress, the reduction of which has cost us so much, is now stripped and left with only seventy naked men, destitute of clothing, provisions, ammunition and every comfort, and the country pillaged by impressments, and on the last advices, threatened by a large invading Mexican army, who, hearing of the weakened situation of that garrison, had determined to retake it. For these *predatory expeditions*, means can be raised on the faith and credit of the government, but not one dollar for honest purposes—not even provisions to feed the weary soldiers. These things are brought about by intriguing, designing men, who seek not to promote, but undermine, trammel, and finally ruin the country, aided by the improvident acts of a corrupt council.

What I have done, be it considered good or bad, has been done for the best of reasons, and from the purest motives. I frankly acknowledge, that I knowingly and wilfully set the

match! I have thrown myself into the breach! and whatever the consequences may be to me as an individual, I honestly own to you, it is a sacrifice I have willingly made at the shrine of the public good. The agitated state of the country renders it necessary that I should exercise the powers delegated to me in the 4th section of the Organic Law, and I now call upon you, fellow-citizens, as the militia of the country, to aid and assist in carrying it into effect. I only ask at your hands, as your Executive officer, to see justice administered to me and yourselves. The speculating, intriguing conspirators, must be punished, or your interests will be ruined. All officers of the army and navy belonging to Texas, or marshaled within its limits, are hereby notified that they will be held strictly amenable to the laws; and at all times, when circumstances require it, to carry into effect the 4th section of the Organic Law, in conformity with its provisions. *The proper officers of this government will fit out expeditions whenever they deem it expedient to do so.* But this government will not be amenable, or countenance any predatory expeditions calculated to embarrass its circumstances, or compromise its honor.

HENRY SMITH,

Governor.

SAN FELIPE DE AUSTIN, Jan. 22, 1836.

To show the effect produced on the soldiers in the field by the warfare on Governor Smith, the following letter from one of the most gallant of their number, is given :

BEXAR, January 20, 1836.

My dear Governor.

While I am waiting to carry an express to Gen. Houston, I take the opportunity of giving you my sentiments by our express to San Felipe.

By the documents you will receive you will perceive our indignation at this post at the disorderly and anarchical conduct of the council. Were it not for a proclamation issued from headquarters [meaning Gen. Houston] which arrived here last night, you would have MEN, not SENTIMENT at San Felipe to sustain you in the discharge of your duty as first Magistrate of the nation. Be consoled! Fight the good fight and we are with you *to a man*. Let the low, intriguing land and Mexican speculators know, that the sons of Washington and St. Patrick will not submit to delusion, rascality and usurpation. We are bound to you in the proper discharge of your duties and will not submit to anarchy and misrule. *May God bless you* and prosper you is the

sincere wish of an honest son of Erin and a friend to Texian Independence.

Your obedient servant,

M. HAWKINS.

P. S. We will sustain you by arms.

To Governor Henry Smith.

On the 21st of January, from Velasco, J. W. Fannin, jr, as Agent of the Provisional Government, or rather of the council, addressed the following letter to the "Acting" governor and remnant of the council:

VELASCO, January 21, 1836.

*To his Excellency James W. Robinson, Governor,
and the General Council of Texas:*

I had the honor on yesterday, to make a hurried report of my proceedings up to that date, and can now only confirm the same by saying that I think we will sail for Copano this evening, if the state of weather will permit of our crossing the bar. I have at this place about two hundred and fifty men, and nearly one hundred in waiting at Matagorda Pass, who came out on the Brutus and under command of Captain Shackelford from North Alabama. Our fleet will sail, and all go down to Aransas in company; and God willing and the weather fair, I hope to make a favorable report to you from

Copano on the 27th inst. I have employed the schooners Columbus and Flora as tenders, being of light draught of water, and can pass up to the landing with safety. I shall take the two four pound brass field pieces left by General Mexia, and two other pieces to be left for the use of the fortifications, being or to be erected at Copano. I have sent forward proper officers to procure and have in readiness carts and teams to transport the necessary provisions and camp equipage and trust that no delay will be experienced in making progress to the point of destination.

With regard to any anticipated difficulties with the general-in-chief, you need have no sort of apprehensions. I shall never make any myself. The object in view, will be the governing principle, and should General Houston be ready and willing to take command and march direct ahead, and execute your orders, the volunteers are willing to submit to it, or a reasonable part of them. I shall not say nay, but will do all in my power to produce harmony and concert of action, and will go forward in any capacity.

You will allow that we already have too much division; and one cause of complaint is this very expedition, and that it is intended to displace General Houston. Not one member of

your body, or any other man living, can impute to me such motives by any past act or word ; and I am resolved, that no future one shall be so intended. But rest assured of one thing, I will go where you have sent me, and will do what you have ordered me if possible.

Let me call your attention to ordering all of our provisions to Copano, as also volunteers. Inform our agents and commercial men in New Orleans that they may ship there ; also the fortifying of Galveston Island and the Paso Cavallo at Matagorda Bay ; there are sufficient cannon here to do it and prevent the enemy taking possession and making a descent into the heart of the country and destroying our towns and commerce. A company at each place will be amply sufficient for all present use ; and by ditching and the use of drift logs lying at hand, strong field temporary fortifications can be erected, which will forbid the disembarkment of any hostile force on our shores. Volunteers for one or two months, for the express occasion, can be raised, and these are the only safe dependence to be relied on at present.

It is folly to speak of waiting for regular troops to do it. You may rely upon it, that we will not have one thousand of them in Texas by

May, and if this expedition prospers as contemplated, you need not desire it. I am forced to say, that I dread a large regular army in this country, or an auxiliary one of volunteers, if commanded and used as contemplated by some.

I have seen a letter from "his Excellency, Henry Smith, Governor of Texas," to an officer commanding the volunteers, urging him and his men to attend particularly to the elections, and to suspect and distrust all who were in any wise opposed to their voting, or to an immediate Declaration of Independence. All such were denounced in the bitterest terms, as traitors to the country, and your own honorable body were declared a corrupt, unprincipled set of men who had sold themselves to the opposition or anti administration men. The following is nearly, if not the precise language used:

"There is a deep laid plan to confuse me and my government, but I am aware of all their movements, and have anticipated them, and will counteract them. The opposition are strong and have money and means, and my council are needy and corrupt. They are engaged in it."

In speaking of the labor he has to encounter, and difficulties he has to undergo, he very patriotically alludes to the late volunteer army of

Texas, composed mostly of free citizens of Texas, and as far as I am informed and believe, of as good, if not the best men in the country, in the following strain : "A mob, nick-named an army, has just been disbanded amongst us, and I am threatened with assassination by an internal enemy at home," (the mob volunteer army,) "and an external enemy from abroad." Who the external enemy is, we are left to conjecture only ; probably Santa Anna himself may be in disguise and playing the "incog" to accomplish the downfall of the government, which certainly would be finished if "His Excellency" should go by the board. He is the government, and no better sacrifice can be offered at the shrine of centralism, than his blood ; and the illustrious hero of Tampico will most unquestionably make all reasonable efforts to perform the wondrous feat, and thereby enthrone himself in the hearts and affections and fears of admiring countrymen.

"But," his Excellency continues, "I am fully apprised of their designs, and will entangle them in their own works, and ere long throw them a fall which will break their own damned necks, and they shall welter in their own blood."

This language is used in reference to the free citizens, volunteers of Texas, and turned out

without orders or organization to meet and repel an invading enemy, and sustain the honor and fame of the American character, and have driven from our borders four times their number of regulars, and them well armed and equipped, with artillery, cavalry &c., and with loss of only five men killed. This is the "unkindest cut of all" and I am forced to say has been the sole cause of my noticing the communication at present, though the base slander against the representatives of these very volunteers, is as uncalled for as it is false and unjust, not to say undignified.

This letter is addressed to Major William Ward, of the Georgia Battalion, who is at present reluctant to give a copy or I should forward it to you for use. It will be remembered that he is a stranger to Governor Smith, having just arrived in the country.

Certificates of citizenship were forwarded with all the necessary instructions, with regard to voting for members to the approaching election for delegates to the convention.

It is unnecessary for me to detail further circumstances. The leading facts are presented to you and I think call for your action. The people of Texas should be fully apprised of the facts and doings of their public agents

I shall procure the letter or a copy, but if he can deny either the letter, the language, nay, the words or sentiments, let him do it, and double falsehood and perjury will be added to the catalogue of his offences and misdemeanors.

In haste, I am as ever, with sentiments of high consideration,

Your obedient servant,

J. W. FANNIN, JR.,

Agent Provisional Government.

Upon receipt of this letter from Fannin, on the 26th of January, the eight members of the council still in San Felipe, (thirteen being necessary to constitute a quorum,)

Resolved, That the letter from Col. J. W. Fannin, received this evening from the Executive Department, be forthwith published in hand bill form, that the citizens and especially the members of the late volunteer army, may be informed of the disposition and conduct of Henry Smith, who was made governor by the late Consultation, but whose acts previous to this time have suspended him from office.

Resolved, That the communication is of itself sufficient, without any comment from this body, and we leave the community to judge whether this production, and the late insulting

message from Henry Smith to this council, have originated from the effects of an unsound mind, or are the overflowings of a corrupt heart."

The best commentary on the letter of Fannin, so eagerly seized, as a prop to their cause by the non-quorum members of the council, is the following letter from Lieutenant-Colonel William Ward, to whom a committee had written for a copy of that private letter, to be used against the governor in their proposed trial of him. It is self-explanatory and from one who gave his life to Texas, in the massacre at Goliad, one month and seven days later.

GOLIAD, February 20, 1836.

Gentlemen.—Your letter under date of the 11th inst., was duly received. It seems that an inveterate and incurable collision between the body, of which you are the representatives, and Governor Henry Smith has taken place, and you call upon me to furnish you with the copy of a letter, written by the said Smith to me some time during the past month, extracts from which have been furnished you by Col. J. W. Fannin, jr. This letter, the production of which is thus sought, no doubt is intended to be used by his enemies, to the detriment and injury of Governor Smith, as containing sentiments and

expressions highly insulting and obnoxious to the late and present volunteer army.

After maturely reflecting upon the subject I feel myself compelled to decline myself a compliance with your request, and a sense of self respect and courtesy to your body prompt me to explain to you frankly the reasons which prompt me to adopt this course.

When I first came to Texas, a total stranger, to aid her with all the power and influence which I possessed, it was my first business to receive all the information I could in relation to the internal and external situation of the country, and the prospects and expectations of her leading and most important characters. With feelings of no common sorrow I saw the germ of feuds and divisions, had already been planted in the heart of the country. Without even intending to mingle in these civil strifes, and hoping that from a common sense of danger and the complete necessity of general *harmony* there would be found in the country patriotism sufficient to lull these commotions in their incipient stage, I freely mixed with all, conversed with all and sought information from all. On a visit to the capitol, transacting business for myself and those individuals who had generously fol-

lowed my fortunes and placed themselves under my direction, I early became acquainted with Governor Smith, who, with an ardor and zeal more upright than perhaps discreet, frankly disclosed to me his views and sentiments in relation to the civil affairs and prospects of the country, and the suggestions he threw out and the advice he gave me were of a character naturally to inspire a stranger with confidence in the honesty and integrity of the man, and the little experience I have had establishes, in my judgment, his sagacity and foresight as a statesman. Thus favorably impressed I became a correspondent of his Excellency, and honestly uniting in his views without participating in his violence, he did me the honor to address me on all occasions with the frankness and unrestrained freedom of a friend. When thus addressing me, amidst the perplexity and confusion of his official business, provoked and maddened by an opposition active and violent, and not presuming probably that his communications would be handed out to the view of his opponents and the world for comment, is it not natural and reasonable to admit that he should have expressed himself without much caution and, on matters that had so much annoyed him, with *warmth*?

And should I be in the possession of any documents calculated to raise the voice of complaint against him one single note higher than it is at present, thus obtained, in yielding it to the possession of his enemies, would I not act the part of a traitorous and faithless friend. And, with all proper respect, let me ask could a liberal and magnanimous opposition avail itself of such testimony to torture and crush its victim.

But gentlemen, when you are informed of the manner in which the fact of my having such a letter was disclosed and imparted to you I am sure you will coincide with me in the opinion that a manifest impropriety exists in my furnishing you with a copy or with the original. Col. Fanning was himself the bearer of the letter from Governor Smith to me. Knowing the handwriting, and prompted by an anxiety which I will not pretend to divine, but at the moment did not distrust, in compliance with his repeated solicitations and under the panoply of his pledged faith to secrecy, I submitted the paper to his inspection. He made several applications to me for the purpose of obtaining a copy and the liberty of using the privilege with which I had confidentially entrusted him, to all of which I gave an unqualified and prompt denial. Judge

of my surprise and astonishment then, when your letter informed me that, with an abandonment of delicacy and decorum that I thought appertained to a character with which Col. Fannin acknowledged no affinity, he had used me and my confidence to feed the flame of discontent and hatred against the governor, in which it seems he is ambitious to act a conspicuous part.

The above remarks, you will discover, are predicated upon the *supposition* that this celebrated letter, if produced, would contain sentiments and language, discreditable to its author—and from the incorrect and garbled manner in which its contents are attempted to be quoted by Col. Fannin, the public, until better informed, will entertain the same opinion. Col. Fannin attempts to give the extracts, *verbatim et literatim*. When that part of his letter which I perceive has been published by order of the council with great eclat, containing the extract, was compared with the original in my possession, in the presence of several respectable and intelligent gentlemen, they were all astonished at the misquotations and perversion of its general sense and meaning. If I could feel myself absolved from the delicacy of my situation, and could with propriety divulge the original to the world,

mankind would see in this but another instance to what shameful means party spirit will descend in the might of its malignant rancour.

And I feel deeply mortified that not content, not only with abusing my confidence and uncourtously presenting me to the public in the character of an *informer*, he should give a false coloring to a document, which if plainly read and fairly construed, would mark the purity and patriotism of the man who had penned it.

It belongs not to me to counsel Gov. Smith what might be conducive to his defence, nor to his enemies what might contribute to his condemnation, but I do honestly affirm in my humble opinion that if this letter, which has been so unhandsomely used to his disadvantage, could be read before his peers on his trial, it would be found to contain not one expression that would cause the hue of shame to tinge the countenance of a single friend. True, it is warm—even violent, but even this, its very error, shows the sincerity of his determination to advance at all hazards, what he conceives to be the true interests of his country, and to oppose even to the extent of self immolation what may redound to her injury and ruin.

Intending, gentlemen, to keep myself aloof from all party connections; determined to chain myself to the car of no political sect, and desirous to discharge my military duties to the satisfaction and approbation of my adopted country, I have thought it an act of justice to myself to offer you the above remarks, in order to extricate myself from an unpleasant situation, in which I have been placed contrary to my intentions or desires.

Every one must lament the height to which political discord has attained. If ever there was a crisis in the affairs of a country which required the harmonious action of all her citizens, that crisis has arrived in Texas. The foe is in the field with means and men beyond our reach. Extermination is his war-cry. Nothing can save us but unanimity, harmony, concentration and a bold, heroic movement of all our power. With this and a complete annihilation of all factious feelings, success and glory will yet encircle the banner of our adopted country. With great respect, gentlemen,

I am your obedient servant,

WM. WARD.

The committee who addressed Col. Ward and to whom the preceding reply was addressed,

were Messrs. Thompson and Clements, of the council. Though a little later in date, the subjoined correspondence, bearing upon the same subject, is inserted at this point. The whole was published by Col. Hill, in a hand bill, Feb. 20th.

TO THE PUBLIC.

Notwithstanding, I have participated in the general feeling of indignation at the conduct of the council, I did not anticipate the public expression of my sentiments. But, when I am called upon by the *highest functionaries* in the land to commit an act not only dishonorable, but criminal, I cannot longer withhold the expression of my indignation. Below will be found a letter, *not confidential*, addressed to me by two of the *honorable members* of the council, together with my reply, which I lay before the public, without comment, satisfied that my conduct will be approved by every high minded, honorable man.

WM. G. HILL.

BRAZORIA, Feb. 20, 1836.

THE DEMAND.

SAN FELIPE, Feb. 14, 1836.

Colonel William G. Hill.

Sir.—We have been appointed by the General Council to conduct the prosecution against the late Governor, Henry Smith, before the next convention. Among other matters of testimony.

to support the charges against him is a letter written to yourself about the 17th of January last, of which a copy has been received at this place. We have to request that you will forward said original letter to us at Washington. We trust that you will not fail in doing so, as in that case it will become necessary to summon yourself to attend.

Respectfully yours,

Signed.

ALEX. THOMPSON,
J. D. CLEMENTS.

COLONEL HILL'S RESPONSE.

BRAZORIA, Feb. 20, 1836.

To Alexander Thompson and J. D. Clements:

Gentlemen.—Your communication of the 14th inst., conveys so direct an insult, or betrays such gross and unpardonable ignorance on your part, that I would not have replied, but to explain how the copy of the letter, which you desire, was obtained, (if such copy exists). The letter was opened by ————— without my knowledge or consent, and if any copy does exist, it was surreptitiously obtained and I denounce the perpetrator of the shameful act as a violator of the sanctity of private intercourse, and of course no gentleman. You impudently call upon me to expose a correspondence, which all nations

agree in considering *as sacred*, for the sole purpose of *injuring the writer*, who wrote for a friend only, and not for the public! You call upon *me* to commit an act, which you must know would be criminal and is calculated to destroy the life of society—an act which none but a villian would perform! You call upon *me* to do this, and for what! To aid you in a parricidal attempt to destroy the highest Executive in the land! I assure you I do not aspire to the distinction of an association with your honorable body in such unhallowed purposes. In conclusion, I cannot withhold the expression of the indignation and contempt, which your base proposition inspires, and I most earnestly hope that your public career may be brought to a speedy and ignoble close; and that upon your heads will be visited the scorn and indignation of an enlightened and high minded public. I am,

WM. G. HILL.

The communications of Cols. Ward and Hill are given without comment, as nothing is left for explanation.

On the 3rd of February the president laid before the council, or the fragment of it still present, this mandate from Governor Smith, issued on the previous day.

To Thomas R. Jackson, Esq., to execute.

“You are hereby authorized and required to proceed to the council hall or elsewhere and demand of J. W. Robinson, former president of the council, and the members, the following documents, viz: An ordinance and decree requiring me to commission McKinney and Williams to contract a loan of \$100,000, on which bill a commission has issued, and by that body demanded and taken from my secretary before it was recorded in my office. Also two commissions certified in that bill to have been returned, one to McKinney and Williams made out by the previous council, of which R. R. Royal was president, and also one other commission made out by me to Thomas F. McKinney, both for the same amount of \$100,000. These are Executive papers and belong to my office. You will also demand and bring me the terms on which the armed vessel *Invincible* has been tendered and accepted by the government. You will further notify them that if these things are not promptly complied with and they immediately desist from their injurious and disorganizing operations, that I will immediately order their arrest and transmission to the post of Bexar to be tried by martial law.”

You will immediately make to me your report.

Given under my hand at office, this 2nd day of February, 1836.

HENRY SMITH,
Governor.

On this the "fragment" preferred additional charges against Governor Smith, embracing "treason" and the embezzlement of \$5,000, sent for the aid of Texas, by H. R. W. Hill, of Nashville, Tennessee. Both fell still born till, before the congress of Texas in 1841, Governor Smith demanded an investigation of the \$5,000 matter, when, after a thorough examination by a joint committee, headed by Anson Jones, on the part of the Senate and Sterling C Robertson on the part of the House, it was reported and unanimously adopted by each House that the money had been properly used, and that the government owed Governor Smith \$131 on that account.

Notwithstanding the apparent confusion, made manifest in the preceding pages, Governor Smith continued inflexibly in the discharge of his duties, sustained by the proper officials and the country at large, the factionists being few and powerless.

On the 5th of February he addressed a letter to William Bryan, of New Orleans, agent of Texas in that city, in reply to one from that gentleman of January 20th, just after he had learned of the revolutionary attempt to suspend the governor. Here follows the letter:

SAN FELIPE, February 5, 1836.

Respected Sir.—Your favor No. 3, under date of 20th January, has just been received with its enclosures. * * * *

The vessels of which you speak, under convoy of the Liberty, Col. (John A.) Wharton has reported to me as having arrived safe off the Brazos Bar and proceeded to the Bay of Matagorda, or Copano, at both of which points I have written him.

I assure you I do not mean to flatter when I say to you, I am proud to see you and friend Hall announced as our agents, with both of whom I feel I can correspond freely and safely, on any matter connected with the interests of the country. Since my installation I have had to contend with much difficulty and confusion, growing out of party strife, based on the conflicting interests of the country. It is well understood here and need not be kept from you as our agents abroad.

* * * *

I am, however, happy to inform you that before the sun sets everything will be right in the capitol. The army has declared The mass of the people have declared that honest men and measures shall be sustained, and that the "sled" must cease its run forthwith. This I have succeeded in without violence, and hope soon to have everything in regular trim. They have, however, done much mischief, but I hope it will all soon be counteracted, with the exception of what I fear has been irretrievably lost by downright swindling, some of which may be beyond my control. The first of March will give the death blow to their main project, as I have no doubt the independence of Texas will be proclaimed to the world, and then a long farewell to all Mexican policy.

* * * * *

This country can never prosper until a few of that baneful faction are immolated on the altar of their own perfidy. The convention will, I hope, afford the grand corrective.

Owing to their base management, much confusion prevails among our volunteer troops on the frontier, but, by using much vigilance, I have now got Bexar secure. On the last advices the enemy were concentrating on our border in

considerable numbers and every exertion used, and everything put in requisition for a formidable campaign against the colonies in the spring. Flying rumors have been sent in to delude us, by saying many of the Eastern States have declared in opposition to the dictator. In this, however, I have no confidence, believing it is intended to delude us.

Copano has been assigned as our headquarters for the present, until we make a declaration and have a sufficient number of men and means to operate on, when we will immediately remove to the west, of which you will be informed from this department.

I depend much on our aid from the United States. To them I look, for they come to sustain us on honest principles alone, for which I confidently hope they will be amply rewarded.

Let me hear from yourself and Mr. Hall (to whom you will please show this) officially and privately. * * * *

Respectfully,
HENRY SMITH,
Governor.

On the 8th of February the "Acting" governor fulminated a high sounding proclamation against the rightful governor, to which no atten-

tion was paid. While Robinson had spoken for independence in the Consultation on the 6th of November and re-declared himself in favor of it in a characteristically voluminous communication to the convention in March, in the mean time, he had acted with and allowed himself to be used by the anti-independence element in the council. Judging by his subsequent career as a judge and the manner in which he secured his release by Santa Anna in 1843, as a Texian prisoner, captured at San Antonio in September, 1842, to bring home the most odious propositions from Santa Anna to Gen. Houston for Texas to become a Mexican State, he was a man of inordinate ambition, fluent in language, but devoid of judgment and that unselfish integrity of purpose demanded by the sore necessities of the country. It will be seen near the close of this work that fourteen years later, he, with his wife and only son, and Governor Smith with two sons, were thrown together and became traveling companions, across the dangerous, savage wilds from Texas to California, covering several months in 1849-50. And here it is legitimate to say that many of the asperities engendered during and immediately prior to the existence of the Provisional Government, were eliminated from the

breasts of men by the Declaration of Independence, the immolation at the Alamo, the butcheries of Goliad and the avenging splendors of San Jacinto. Here follow

LETTERS FROM COMMISSIONER WILLIAM H. WHARTON TO GOVERNOR SMITH.

FIRST LETTER.

MEMPHIS, Jan. 27, 1836.

(UNOFFICIAL.)

My Dear Sir.—"I am thus far on my way to Washington City. Archer and Austin will be on in a few days. I find the feelings in the country universal in our favor, *provided we war for independence*, or wish to attach ourselves to the United States of the north. But if our war is to be for the Constitution of 1824, and is to terminate in anything short of a total dissolution of all connection with Mexico, we may expect no sympathy or assistance from this quarter. For heaven's sake press upon the next convention the vital importance of making an immediate "Declaration" setting forth at large the reason for so doing. Try and have this done as early in the session as possible and send the glorious news to be published in New Orleans, and letters announcing the fact to the commissioners at Washington, &c., &c."

Your friend,

WM. H. WHARTON.

SECOND LETTER.

NASHVILLE, TENN., Feb. 7, 1836.

Dear Sir.—I have been here four or five days, confined to my room with a cold and wretched cough. My physician is apprehensive of serious consequences, but I am not. I left Archer and Austin in New Orleans, to wind up some business connected with the loan. They were to have been here several days ago and are, I fear, ice bound in the Ohio, below the mouth of Cumberland. All traveling is suspended, both by land and water, on account of roads and ice. The Mississippi and Louisiana Senators find it impossible to get to Washington for the present. I have written on to the president and to my friends in both houses, explaining to them our Texas affairs. I have also printed a pamphlet (one of which I send you,) signed Curtius, and sent one to Washington and to various editors. Mexico has remonstrated with this government on account of the volunteers going to Texas. But the French question absorbs everything else. It is unfortunate for Texas that her concerns came on the carpet simultaneously. They will not receive as prompt attention.

I long much for the meeting of the next convention in Texas. Everything depends upon

the harmony, promptitude and wisdom of their movements. I hope, sincerely hope, that our perilous situation has drowned everything like personal or party feeling. We are madmen, if we do not at least for the present, and I trust forever, forget all such bickerings and contentions. I suppose, of course, the convention will declare for absolute independence. I should be half distracted if I thought they would not.

The vote of the body should be taken on whether they prefer remaining independent or being attached to the United States. I prefer the latter a thousand to one. The declaration should be explicit, and *we* should receive timely notice of it, with instructions, if we are to remain here in commission, from the government. After the million loan is accomplished I should think one of us might return to Texas, for a time at least. But do with us as you please. I should prefer my present to any other post. I will have nothing to do with the Executive post, and wish it so understood.

We cannot, as you know, approach this government formally or apply for recognition of Texas Independence without a different commission. The question is now sprung in the papers in regard to the annexation of Texas to the

United States, and I shall keep it alive, for it serves to call attention to us. As I wrote to you from Velasco. if a belief obtained nere that we were carrying the war beyond the Rio Grande for cupidity, conquest, pillage, plunder or any other motive than to make our enemy acknowledge the independence of Texas, it would drown our cause beneath all depth in ———. Write often. My wife and child are well.

Yours,

WM H. WHARTON.

To Governor Henry Smith.

THIRD LETTER.

NASHVILLE, TENN., Feb. 13, 1836.

Dear Sir.—We are still here, detained by impassable roads and frozen rivers. In the last few days the cold has abated, and the ice is beginning to give up here. We will certainly get off on to-morrow or next day. All is enthusiasm here in respect to Texas. We had a meeting three nights ago at which upwards of 2,000 attended and, after much applauded addresses from the commissioners, they unanimously and enthusiastically adopted resolutions lamenting the loss of *Milam*, pronouncing our cause a SACRED ONE, and promising every countenance and assistance, now and at all times. If the war lasts

it is the opinion of the members of the legislature, which is now in session here, that Tennessee alone will furnish 5,000 volunteers. Several of the members will start to Texas with companies immediately on the adjournment, which will take place on the 22nd of February, this month.

At our meeting the other night, a letter was drawn up by some of the young men of this town expressing a wish to go to Texas, and desiring the meeting to furnish them the means of so doing. The ladies of Nashville immediately pledged themselves to arm and equip a company of 200. They organized themselves, appointed a committee, and thirty young men have enrolled themselves. It is thought that the ladies of this town will despatch a company of 100 in five or six weeks. For this patriotic conduct they deserve the admiration of the world and the eternal gratitude of Texas. A vote of thanks should also be tendered to H. R. W. Hill, of this place, who has given more than \$5,000, who has directed all the steamboats to charge to him the passages of all the volunteers for Texas, and has bound himself to advance everything necessary here to facilitate the removal of volunteers.

We have constituted him agent for Texas and you will please address him as such. Do have a vote of thanks tendered him and the ladies too, if possible. Enclosed I send you the correspondence between us. Also an article signed "Patriot;" also some editorial comments on the meeting, and I also send you my pamphlet, "Curtius," which has been universally and enthusiastically admired and pronounced the best thing that could have been done for Texas, inasmuch as it convinces the intelligent of the justice of our cause. I also send you a copy of the ordinance for raising volunteers. The design you will understand to be Hercules killing the hydra. The monster has two heads, one representing tyranny and the other priestcraft. The man with the club represents the people of Texas beating off the heads and the other man, with the hot, iron represents our friends of the United States cauterizing the place and preventing the heads from growing again. The emblem is thought to be a happy hit. I have sent one of my Curtius pamphlets to the president, vice-president and every senator and representative in congress.

We have twenty or thirty of the ablest men busily operating for us at Washington. It has

been a great misfortune that the rivers have been frozen and the roads impassable so as to prevent our progress. My health, too, has confined me to my room. We will start to-morrow to a certainty, but it is yet more than doubtful whether we can ascend the Ohio. Accounts from Louisville, four days ago, represent it as passable on the ice. It is thought by the ablest financiers here that we can raise all the money we want, in two ways. First by issuing scrip calling for from 160 to 640 acres of land, to be rated at \$1.00 per acre. Let this scrip be placed in the hands of the different Texas agents, each purchaser paying \$1.00 an acre in cash for what he buys, to select the land when the offices are opened. It might be well to give an option to the holder of the scrip, to demand his money of the government at the end of five years, with 6 per cent. interest, if he did not choose to take the land. This, I think, would be best, and in this way a sufficient sum can be raised. This enables a man having \$160 which he wishes to invest, to do so. The other plan of borrowing, places us at the mercy of large capitalists alone. Second, the other plan proposed is for Texas to issue treasury notes bearing 5 per cent. interest, redeemable in five, ten, or fifteen years. Our friend and agent, Mr. Hill,

has offered to take \$50,000 of such treasury notes. We commissioners have no power to issue scrip or treasury notes, and I here present the subject for the consideration of the next convention, hoping they will act on it promptly. Either of these plans will, I think, answer all purposes. We must also, in my opinion, have a bank, the capital to be raised on the pledged real estate of the stockholders. Let it be an individual business, and for God's sake let the government own no stock or have anything to do with it, except to watch over and see it honestly conducted. The printed enclosures I wish you to have printed in Texas and also such parts of the letter as are in your judgment, suitable.

Recollect, I write to you freely and often use expressions which, if published, would justly lay me liable to the charge of vanity. Don't get me into a scrape of this kind.

Yours truly,
WM. H. WHARTON.

P. S. My child is dangerously sick with a cold, which is violently epidemic here. Write to me often, privately.

I am the author of the enclosed article signed "Patriot."
WHARTON.

[The child referred to, the only one Mr. Wharton ever had, subsequently became Major-General John A. Wharton, of the Confederate army, who lost his life in Houston at the close of the war in 1865, and whose wife and only child, a lovely little daughter, subsequently died. John A. Wharton, styled "the keenest blade of San Jacinto," died unmarried in 1838—his brother, William H., in 1839, and his widow many years later—so that this brilliant family of patriots is extinct in Texas.]—The Author.

The following is a copy of the letter of Mr. H. R. W. Hill, accompanying the donation of \$5,000.

NASHVILLE, Nov. 19, 1835

To George C. Childress, Esq.

Dear Sir.—Enclosed you will find my bill of exchange on N. & J. Dick & Co., of New Orleans for *five thousand dollars*, payable to your order. On your return to Texas should you find the friends to *liberty of conscience* oppressed, fighting for their homes and that republican form of government they were induced to believe they would enjoy when they left the land of freedom, I wish you to place the above sum in the hands of those in authority, with my prayers for their success. Should they fail to

gain their liberty. I shall never regret the loss of the money. Should, however, the God of Heaven own the struggle, which I believe he will, I leave it with the government to set apart a piece of land, equal to the sum furnished, *provided a republican form of government is established. If a tyrannical or dictatorial government is formed I do not wish my children to inherit any part of the soil.*

Having entire confidence in your judgment, as to my views, I leave the matter entirely with you. May God bless you.

Your friend,
H. R. W. HILL.

With peculiar interest, pride—almost reverence—we hold in hand a letter penned by the gifted and beloved wife of Wm. H. Wharton to Governor Smith. It needs no comment.

NASHVILLE, TENN., March 26, 1836.

To his Excellency Henry Smith :

Dear Friend.—I am extremely proud in being able to acknowledge the receipt of a letter from your honored self, the contents of which filled me with great mortification and astonishment? To think a people so blessed as the Texians with climate, soil and many other natural advantages, should be disposed to throw any

obstacles in the way of obtaining their liberty, without which all other blessings are rendered naught! I cannot conjecture what can be their object. Is it pecuniary? Common sense would teach them that their property, whatever it might consist in, would be worth many times as much under a settled government.

I hope by this time you have declared your independence. If so, all is well, for you will then have the support and sympathy of this country, with which and a just cause, we have nothing to fear. I feel every confidence that Texas is destined soon to be a great and happy country.

I congratulate you on the happiness that you will enjoy in your old age, (should you be thus blessed), in reflecting on your being greatly instrumental in securing the liberties of a great and happy people.

You have doubtless heard of the arrival of Senor Gorostiza, Envoy Extraordinary and Minister Plenipotentiary from Mexico to these United States. This is a special mission, which will not in any way interfere with the Minister of Mexico, resident in Washington, as the envoy himself asserts. I enclose you three numbers of "Curtius." They were written by Mr. Wharton and they will show you his feelings on the subject

If the convention should be so blind to their own interests as not to declare independence, would it not be well to recall the commissioners? They would go home armed with so many powerful proofs of the necessity that it would at once insure it, and what can they do here without a declaration!

I regret to learn that Col. Austin's politics have had such a bad effect. I am more charitable towards him than you are. I attribute it more to a want of moral courage than baseness of principle. You would be astonished to see how warm he now is for independence.

Where is brother John (A. Wharton?) I have never heard a word from him since we parted. If you should see my brothers (Jared E. and Leonard W. Groce,) tell them I have never heard a word from them, excepting through others.

I would be much gratified to hear from you often and fully, for I am a devoted friend of Texas.

* * * * *

Yours respectfully,
SARAH A. WHARTON.

[Mrs. Wharton was the only daughter of Jared Groce, the first planter to raise cotton on

the Brazos in 1822, whose home, in the revolution, was known as "Groce's Retreat," near the present town of Hempstead.]

From Governor Smith's address to the people of Texas.

EXECUTIVE DEPARTMENT, March 2, 1836.

"TEXAS EXPECTS EVERY MAN TO DO HIS DUTY."

Fellow Citizens of Texas.—The enemy are upon us. A strong force surrounds the walls of the Alamo, and threatens that garrison with the sword. Our country imperiously demands the service of every patriotic arm; and, longer to continue in a state of apathy will be criminal. Citizens of Texas, descendants of Washington! Awake! Arouse yourselves!! The question is now to be decided, are we now to continue free men, or bow beneath the rod of military disposition? Shall we, without a struggle, sacrifice our fortunes, our liberties and our lives, or shall we imitate the example of our forefathers and hurl destruction on the heads of our oppressors? The eyes of the world are upon us. All friends of liberty and the rights of men are anxious spectators of our conflict, or are enlisted in our cause. Shall we disappoint their hopes and expectations? No! Let us at once fly to arms, march to the battle field, meet the foe, and give renewed

evidence to the world that the arms of freemen, uplifted in defence of their liberties and rights, are irresistible. Now is the day and now is the hour, when Texas expects every man to do his duty. Let us show ourselves worthy to be free and *we shall be free*.

HENRY SMITH,
Governor.

The remnant of the council continued to meet without a quorum and on February 16th they adjourned to meet in Washington on the 22nd, graciously requesting their chief and other *real* officers of the government to remove thither. After the 16th their journals make no pretense of a quorum until the 11th of March, nine days after the convention had declared Texas to be a Free, Sovereign and Independent Republic, and on that day they admit in their dying breath, in their communication to the convention, (as will be seen farther on,) and on the day of their adjournment, *sine die*, that they had never had a quorum since the 18th of January. In truth they had none when they pretended to depose Governor Smith, nor afterwards. What a commentary. And what a vindication of the incorruptible governor!

On the night of February 26th, came the first announcement of the siege of the Alamo, in the following dispatch from Travis. The original of this document, in the bold chirography of the immortal patriot, has been the property of this writer for more than forty years and for many years has been framed for its preservation.

COMMANDANCY OF BEXAR, }
Feb. 23, 3 o'clock p. m., 1836. }

To Andrew Ponton, Judge, and the Citizens of Gonzales:

"The enemy in large force is in sight. We want men and provisions. Send them to us. We have 150 men and are determined to defend the Alamo to the last. Give us assistance.

W. B. TRAVIS,
Lieut-Col. Commanding.

P. S. Send an express to San Felipe with the news, night and day." TRAVIS.

Immediately on receipt of the dispatch Governor Smith had it printed in hand bill with the following:

APPEAL TO THE PEOPLE OF TEXAS!

Fellow Citizens and Countrymen.—The foregoing official communication from Col. Travis, now in command at Bexar, needs no comment. The garrison, composed of only 150 Americans,

engaged in a deadly conflict with 1000 of the mercenary troops of the Dictator, who are daily receiving reinforcements, should be a sufficient call upon you without saying more.

However secure, however fortunate, our garrison may be, they have not the provisions nor the ammunition to stand more than a thirty days siege at farthest.

I call upon you as an officer, I implore you as a man, to fly to the aid of your besieged countrymen and not permit them to be massacred by a mercenary foe.

I slight none! The call is upon ALL who are able to bear arms, to rally without one moment's delay, or in fifteen days the heart of Texas will be the seat of war. This is not imaginary. The enemy from 6000 to 8000 strong, are on our border and rapidly moving by forced marches for the colonies.

The campaign has commenced. We must promptly meet the enemy or all will be lost. Do you possess honor? Suffer it not to be insulted or tarnished! Do you possess patriotism? Evince it by your bold, prompt and manly action. If you possess even humanity, you will

rally without a moment's delay to the aid of your besieged countrymen.

HENRY SMITH,

Feb. 27, 1836.

Governor.

On the 29th, General Sam Houston and John Forbes, commissioners to the Cherokee and associate Indians, reported as follows:

WASHINGTON, February 29, 1836.

To his Excellency, Henry Smith, Governor of Texas:

Sir.—In accordance with a commission issued by your Excellency dated the 28th day of December, 1835, the undersigned commissioners, in the absence of John Cameron, Esquire, one of the commissioners named in the above mentioned instrument, most respectfully report:

That after sufficient notice being given to the different tribes named in the commission, a treaty was held at the house of John ———, one of the tribe of Cherokee Indians.

* * * * *

The commissioners would also suggest to your Excellency that titles should be granted to such *actual* settlers as are now within the designated boundaries; and that they should receive a fair remuneration for their improvements and the expenses attendant upon the exchange, in lands or other equivalent.

It will also be remembered by your Excellency that the surrender by the government of the lands to which the Indians may have had any claims is nearly equivalent to that portion now allotted to them, and most respectfully suggest that they should be especially appropriated for the use of the government.

They also respectfully call your attention to the following remarks, viz :

The state of excitement in which the Indians were first found by your commissioners rendered it impossible to commence a negotiation with them on the day first set apart for it. On the day succeeding, the treaty was opened. Some difficulty then occurred relative to the exchange of lands, which the commissioners proposed making for those now occupied by them, which was promptly rejected. The boundaries were those established as designated in the treaty alone, and that such measures should be adopted by your Excellency for their security as may be deemed necessary.

* * * * *

The commissioners used every exertion to retain that portion of the territory for the use of the government, but an adherence to this would have had but one effect, viz :

that of defeating the treaty altogether. Under these circumstances the arrangement was made as now reported in the accompanying treaty. They would also suggest the importance of the salt works to the government and the necessity that they should be kept for its use.

The commissioners also endeavored to enlist the chiefs of the different tribes in the cause of the people of Texas, and suggested an enrolment of a force from them to act against our common enemy. In reply to which they informed us that the subject had not before been suggested to them. But a General Council should be held in the course of the present month, when their determination will be made known.

The expenses attendant upon the treaty are comparatively light. A statement of which will be furnished to your Excellency. All of which is most respectfully submitted.

SAM HOUSTON,
JOHN FORBES.

The convention assembled and promptly organized at Washington on the 1st day of March, 1836, by electing Richard Ellis, of Red River, President, and H. S. Kimble Secretary, this being the first time that Red River was represented in the councils of the country.

On the 2nd of March the Declaration of Independence was unanimously adopted,—then enrolled and signed on the 3rd.

Governor Smith, the Lieutenant-Governor and remnant of the council had previously arrived.

Governor Smith promptly submitted to the convention the following report:

GOVERNOR SMITH TO THE CONVENTION.

To the President and members of the Convention of the people of Texas.

Gentlemen.—Called to the gubernatorial chair by your suffrages at the last convention, I deem it a duty to lay before your honorable body a view, or outline, of what has transpired since your last meeting, respecting the progress and administration of the government placed under my charge, as created and contemplated by the Organic Law.

The council, which was created to co-operate with me as the devisors of ways and means, having complied with all the duties assigned to them, by the 3rd article of the Organic Law, was adjourned on the 9th of January last, until the 1st of the present month

The agents appointed by your body, to the United States, to contract a loan and perform

the duties of agents generally, have been despatched and are now actively employed in the discharge of their functions, in conformity with their instructions ; and, while at the city of New Orleans, contracted a loan under certain stipulations, which, together with their correspondence on that subject, are herewith submitted for your information and corresponding effects.

The stipulations above alluded to, I consider a subject worthy of your immediate consideration and prompt action. It is confidently hoped that your honorable body will duly consider the matter in all its bearings, as it is immediately connected with the interests of the country. First impression may induce a belief that the stipulations would conflict, or be in their operations detrimental to the interests of others who have introduced themselves as volunteer citizens, to aid Texas in her struggle for liberty ; but, on investigation, it will be found by the law, that the rights of others which have been acquired by their introduction previous to the date of the stipulations, would not be by their ratification, in the slightest degree infringed, and that everything on that subject would be fair and equitable, as those holding under the stipulations would only hold their right and privilege from the date of the stipulation.

From the philanthropic donation of a single individual, H. R. W. Hill, Esq., of the city of Nashville, Tennessee, I have received a draft for the sum of five thousand dollars, by the hands of his friend, Geo. C. Childress, Esq., as a donation to aid Texas in her struggle for liberty.

This draft was drawn on time, and has been sent to the town of Brazoria for negotiation. Three thousand dollars have already been checked for and applied to the use of the army, and the balance will remain until negotiated. The views and motives of the philanthropic donor will be more clearly understood by a reference to his letter addressed to his friend, Mr. Childress, which is herewith submitted. It is confidently hoped that the wishes of the donor may be complied with through the agency of his friend, and for the action of your honorable body, I have waited, without acknowledging the receipt of his highly appreciated favor.

Gen. Sam Houston, Col. John Forbes and Dr. Cameron were commissioned on the part of this government to treat with the Cherokee Indians and their associate bands, in conformity with the declaration of the convention in November last, who have performed their labors as far as circumstances would permit, which is also

submitted to the consideration of your body. Our naval preparations are in a state of forwardness. The schooners of war, Liberty and Invincible, have been placed under the command of efficient officers and are now on duty, and the schooners of war, Independence and Brutus, are daily expected on our coast from New Orleans, which will fill out our navy as contemplated by law. Our agents have also made arrangements for a steamboat, which may soon be expected, calculated to run between New Orleans and our sea ports, and operate as circumstances shall direct it. Arrangements have been made by law for the organization of the militia, but with very few exceptions returns have not been made as was contemplated, so that the plan resorted to seems to have proved ineffectual.

The postoffice department, which has been placed under the control of a postmaster-general, has been extended in its operations to a considerable extent, and probably as far as our limited means will at present justify. It may, however, be anticipated, owing to many circumstances, that the revenue arising from it at present will not be sufficient to justify either its extension or usefulness to be increased, or to even keep up the different mail routes already contracted for,

without a suitable appropriation be made for that special purpose, which has so far been neglected by the General Council. The 14th article of the Organic Law, requiring all land offices to be closed, and the archives belonging to the same to be deposited in safe places, secure from the ravages of fire, and devastation of enemies, has not been carried into effect, notwithstanding every means, other than a resort to arms, have been used on my part to put an end to the further location of lands until the land offices should be properly systematized under the competent authority. This is a subject which I deem worthy of the most serious consideration of your body, and your prompt and efficient action on it, is absolutely necessary, otherwise much dissatisfaction and confusion may be expected to ensue, inasmuch as volunteer troops who have been, and many of whom still remain on the frontier, consider their rights are not protected, and have only been consoled and kept quiet by the promises that your body would soon be in session, and properly secure their rights in that particular.

The military department has been but partially organized, and for want of means in a pecuniary point of view, the recruiting service has not progressed to any great extent, nor can

it be expected, until that embarrassment can be removed.

Our volunteer army on the frontier has been kept under continual excitement and thrown into confusion owing to the improvident acts of the General Council by their infringements upon the prerogative of the commander-in-chief, by passing resolutions, ordinances and making appointments, &c., which in their practical effect, were calculated, in an eminent degree, to thwart everything like systematic organization in that department.

Nothing as yet has been done towards fortifying our sea coast, and until we can be supplied with the necessary means to raise recruits to our regular army, it will be found very difficult to erect the necessary fortifications, or even to keep up the garrisons already taken from the enemy.

The offices of auditor and controller of public accounts, have some time since been created and filled, but what amount of claims have been passed against the government I am not advised, as no report has yet been made to my office; but of one thing I am certain, that many claims have been passed for which the government in justice, should not be bound or chargeable. The General Council has tenaciously held on to a controlling

power over these offices, and forced accounts through them contrary to justice and good faith, and for which evil, I have never yet been able to find a remedy ; and if such a state of things shall be continued long, the public debt will soon be increased to an amount beyond all reasonable conception.

With a fervent and anxious desire that your deliberations may be fraught with that unity of feeling and harmony of action, so desirable and necessary to quiet and settle the disturbed and distracted interests of the country, and that your final conclusions may answer the full expectations of the people at home and abroad :

I subscribe myself with sentiments of the highest regard and consideration,

Your obedient servant,

HENRY SMITH,

Governor.

On the 4th a committee of the convention called upon the few members of the council present and requested that all their papers and records be delivered to that body. This did not meet the views of those individuals, as shown in their communication of the 8th, as follows :

*To the Honorable the President and Members of
the Convention.*

"The undersigned, members of the General Council of the Provisional Government, have understood from some sources, that the verbal notice given us a few days since, by a committee of your honorable body, that the convention was organized, was deemed a sufficient announcement that the powers of the Provisional government had ceased. This, from our understanding of the Organic Law, we did not think to be the case, nor that we could be relieved, without some declaration on the part of the convention. Accordingly we replied verbally to your committee, that we were ready to surrender the archives of the council into the hands of a committee, or any authority acting as a government, provisionally or otherwise. The unfortunate difficulties that arose between the different branches of the Provisional Government, of which it is unnecessary to speak at this time, in some measure crippled its operations and prevented it from acting with that energy so necessary in a crisis like the present. This state of things we expected would induce the convention to organize immediately some temporary authority to meet the present exigencies of the country.

We could not suppose that the convention superseded the Provisional Government, without some declaration on their part of such fact. If it is so deemed by your honorable body or if any authority is designated to receive the archives, we shall be ready to deliver them, and return with pleasure to our homes and the field."

The remnant continued to meet daily without a quorum till March 11th, on which day the secretary of the convention presented to them the following resolutions adopted by that plenary representation of the people. The resolutions of the convention were introduced in that body by General Thomas J. Rusk and adopted as follows:

Resolved, "That the late Governor Henry Smith, the late Lieutenant-Governor James W. Robinson, and the late council, the late treasurer, the late auditor and comptroller of Public Accounts be requested to deliver to this house, all the books, papers, journals, correspondence, contracts, laws and all other papers connected with or relating to their several offices.

Resolved, That the secretary of this house make and hand forthwith to each of the aforementioned individuals a copy of this resolution, and request of them the books and papers referred to."

H. S. KIMBALL, Sec.

Governor Smith promptly and joyfully surrendered his authority to the convention of the people, in the highest degree exhilarated by his triumphant vindication through the unanimous declaration of independence and popular approval of his course from all parts of the country. The remnant, however, sent in a farewell to the convention in the following words:

To the Honorable Convention :

The undersigned members of the General Council present, acknowledge the receipt by the hand of your secretary, of a resolution of your honorable body, requesting the archives of the General Council. In reply we have to say that they are at your disposal. From an examination of them it will be seen that the necessary laws have been passed to prepare the country for a vigorous defense against her enemies, and for the regulation of our civil affairs, which, if properly executed, will be sufficient to meet the wants of the country until a new organization takes place, under the constitution to be framed by your body. Since the 18th day of January last there has not been a quorum of the council present. Previous to that date however, (foreseeing that such an event might happen), resolutions by the council were passed dividing the

members that might remain into committees, for the purpose of advising the Executive, as required by the Organic Law, and transacting such business as might be of pressing importance, such as filling vacancies in offices, providing expenses, advising instructions to agents and to military officers, &c., copies of all which will be found in the Executive office.

The secretary of the council has directions to deliver the archives, at any time when called for. He has been for some time past transcribing the journals into a book for more convenient reference and their safe preservation, a matter that has been delayed for want of stationery. He will, if permitted to have access to them for a few days, complete the work without any charge to the government.

Your obedient servants.

They then entered on their journals this last resolution:

Resolved, That, inasmuch as the convention has assumed to itself the powers of a government, and made a demand for the archives of this body, we deem it a duty to yield to that call, and surrender our trust into their hands, although not in accordance with the provisions of the Organic Law; yet we are confident that

an apology for this course will be found in the present distracted state of public affairs, and a wish on our part to do all in our power to promote union and concert of action in the defense of our beloved country against her merciless invaders.

Whereupon the remnant of the council adjourned *sine die*—some of them never again to hold public trust at the hands of the people. This remark is believed to be true with regard to all of the little handful who originated the warfare on Governor Smith. But let this remark not be misunderstood. A considerable majority of those who, from first to last, served in the council, were patriotic men, and afterwards enjoyed public confidence. Those who participated in the war on the governor and concocted the schemes deemed by him to be pernicious, hardly constituted a third of the whole number who served, and they doubtless misled others who desired to serve the country faithfully. This remark eminently applies to several taking part in this contest, who were pure and patriotic men and who, it is reasonable to suppose, were, at the most critical period of the quarrel, influenced by the bitter invectives of the irate Governor. Of diplomacy Governor Smith knew nothing. It

was contrary to his nature. His frankness made enemies of some. His attachments were strong; yet no man was more prompt in condoning a personal wrong to himself, unless he believed it sprang from a bad heart. But with him a wrong to his country by a public servant was unpardonable. He believed certain men in the council and some of their tools outside were such men and did not hesitate to say so.

It will be seen that the convention distinctly recognized Henry Smith as the Governor up to the last moment and Robinson only as Lieutenant-Governor, and from this conclusive action of the plenary body which declared Texas an Independent Republic history can make no appeal. It must also be borne in mind that on the assembling of the convention, neither the committee of the council appointed for that purpose nor any member of that body, ventured to present to the newly elected representatives of the people their charges against Governor Smith, or in any manner ask his trial. The letters of Cols. Wm. Ward and Wm. G. Hill to them and the general tone of public sentiment, seem to have been sufficient admonition to them to avoid the humiliation awaiting such a movement.

Governor Smith remained in Washington, in consultation with members of the convention, till near the completion of its labors.

On the 16th of March the convention enacted an ordinance providing for a government *ad interim*, to consist of a president, vice-president and cabinet, to serve until, under the constitution, a general election for officers of the Republic and counties, could be held—an event that occurred the first Monday in Sept. following.

On the 17th the constitution of the Republic was adopted, and on the morning of the 18th, being its last session, the convention completed its labors by electing the following *ad interim* officials :

President, David G. Burnet ; Vice-President, Lorenzo de Zavala ; Secretary of State, Samuel P. Carson ; Secretary of the Treasury, Bailey Hardeman ; Secretary of War, Thomas J. Rusk ; Secretary of the Navy, Robert Potter ; Attorney General, David Thomas.

General Sam Houston had previously been elected Commander-in-chief of the armies of the new Republic, as he had been by the Consultation of the army under the Provisional Government. He had taken leave of the convention on the 7th and arrived at Gonzales at 4 p. m., on the 11th,

and at once assumed command and proceeded to the organization of the volunteers there assembled. About twilight of the same day Anselmo Borgarra and another Mexican brought in the first intelligence of the fall of the Alamo; but their statements were doubted and they were temporarily held in arrest, lest they might be spies. On the morning of the 13th General Houston dispatched Deaf Smith, Henry W. Karnes and Robert E. Handy to go near enough to San Antonio to ascertain the facts and return in three days. About twenty miles beyond Gonzales they met Mrs. Dickinson, with her infant daughter, Sam the negro servant of Col. Travis, and Ben, a free negro man servant of the Mexican Col. Juan N. Almonte—the three former having been spared in the slaughter—and who had been allowed to leave by Santa Anna. They, of course, confirmed the statements of the two Mexicans. Karnes hastened back with the news, reaching Gonzales about 9 o'clock that night, and this was the first authentic information of the fall of the Alamo ever received by the soldiers or people of Texas. Mrs. Dickinson and party did not arrive till next day.

Governor Smith rejoined his family in the municipality of Brazoria, to find the whole

country deserted and being deserted by the inhabitants fleeing east, in consequence of the advance of the Mexican army on both the upper and lower routes. From choice or necessity he delayed until it was too late to move eastwardly beyond the Trinity. He finally made an effort to cross his family on to Galveston Island at the west end and succeeded, or partially succeeded, about the time the battle of San Jacinto occurred, immediately after learning which he returned to his farm and endeavored to raise a crop, on which to subsist.

On July 23, 1836, President Burnet, in fulfilment of his duties, issued a proclamation ordering a general election throughout the Republic for national and county officers—on the ratification of the constitution and on the question of annexation to the United States. The election was fixed for the first Monday in September, 1836, and took place on that day.

On the publication of this proclamation the friends of Governor Smith throughout large portions of the country, put forth his name as a candidate for president. Gen. Austin returned to Texas about the same time (in June) and his name was put forth in like manner, as was also that of Gen. Sam Houston. Governor

Smith refused to be a candidate and urged his friends to support Gen. Houston. It was also contended that Gen. Austin's health incapacitated him for the grave responsibilities of the office, yet both gentlemen received a complimentary vote, while the chief vote was cast for Gen. Houston. Gen. Mirabeau B. Lamar was elected vice-president by a large majority. A full Senate and House of Representatives, to compose the first Congress of the Republic, were elected at the same time.

President Burnet called this new and first Congress to meet at Columbia on the 3rd of October. The Congress assembled and organized on that day.

On the 22nd of October, at the request of President Burnet, he was superceded by the installation of Messrs Houston and Lamar as President and Vice-President.

HOUSTON'S FIRST CABINET.

Following his induction into office President Houston sent into the Senate for confirmation the following nominations for seats in his cabinet:

For Secretary of State, Stephen Fuller Austin.

For Secretary of the Treasury, Henry Smith.

For Secretary of War, Thomas J. Rusk.

For Secretary of the Navy, S. Rhoads Fisher.

For Attorney General, J. Pinckney Henderson:

All of whom were confirmed, but Governor Smith was the only one who served through the whole presidential term. The subjoined correspondence will show with what reluctance he again assumed official duties.

COLUMBIA, October 28, 1836.

Honorable Henry Smith.

Dear Sir.—I take pleasure in announcing to you the confirmation of your nomination to the appointment of Secretary of the Treasury of the Republic, by the Senate.

Should you accept the same you will indicate your determination by repairing to this place and entering on the duties of your appointment. I have the honor to be

Your obedient servant,

SAM HOUSTON.

Governor Smith, in opposition to his personal inclination, accepted the appointment.

LETTERS TO SECRETARY SMITH FROM WM. H. WHARTON, MINISTER TO THE UNITED STATES.

WASHINGTON, D. C., Feb. 7, 1837.

[PRIVATE.]

My Dear Sir.—Under this date I have addressed you an *official* note in relation to my

drafts upon you as Secretary of the Treasury. I received your private letter by Mr. Catlett and am truly thankful for your evidence of a remembrance of me, having received no other evidence of that kind from anybody in Texas since leaving, except Collingsworth and Gen. Henderson, with whom I hope you are well pleased, (that is in the cabinet). My dispatches to the government having been so frequent, minute and explicit, I deem it unnecessary to say much to you in regard to politics, inasmuch as you will have access to the dispatches. In them I have given not only my opinion, but my fears, my hopes and my conjectures. In the language of *Othello* "I have spoken to you as I did ruminate and have given my worst of thoughts the worst of words."

We have certainly been treated with great coolness and injustice thus far. An attempt to postpone the consideration of our claims has been industriously made for reasons assigned in my dispatches, to which I again refer you. They are eight in number and very full. I still hope, however, that we will be recognized before this session is over. In my dispatches I have been compelled to speak freely of certain persons and political parties. A publication of them would

be very embarrassing at this time and will not, I trust, be thought of. It is my earnest wish to visit Texas after the rising of Congress and I wish leave of absence for that purpose or to be allowed to resign. I have applied to the president for this leave and if not granted I wish to resign. Nothing will be done here in the recess of Congress.

My wife and child are in tolerably good health.

Yours most truly,

WM. H. WHARTON.

SECRETARY SMITH TO H. R. W. HILL, NASHVILLE,
TENNESSEE.

COLUMBIA, TEXAS, Jan. 15, 1837.

Dear Friend.—I with pleasure acknowledge the receipt of the papers which you were kind enough to forward, and appreciate the feeling which prompted your remarks, but am sorry to say that we are not in that state of preparation to receive the enemy that I could wish, should they again have the temerity to make a descent. I, however, feel warranted in saying that unprepared as we may be, we will render a good account of ourselves. From our last advices it was not known that Santa Anna had been released, nor the effect it might have on the nation. Whether this will prove a good or bad policy

remains yet to be ascertained. Our army at the last advices, in actual service, did not exceed 1000 effective men ; so that our main dependence is on our militia and none can be more efficient when properly officered. I have every confidence, should another invading army make its appearance, that but few, if any, men of character will seek shelter across the Sabine.

Few in number as we are, the Mexican Nation may annoy but can never conquer or exterminate us, provided we are true to each other.

I feel extremely anxious to hear from Washington, and know our fate with that government—whether, as solicited, we are recognized and annexed, or either is a matter about which I feel much concerned.

I did not have the pleasure of seeing or becoming acquainted with the secret and confidential agent sent by the president to examine and report respecting our situation and ability to exercise the civil functions.

* * * * *

Our mutual friend will enclose you a draft on Messrs. Robison, Wood & Co., of your city, for \$1000, drawn in my favor by Col. James Barrett, which you will please have negotiated.

I herewith enclose you an advertisement which speaks for itself, which you will please be good enough to have published in the "True American," or such other paper in your city as may have the greatest circulation, and must beg permission to use your name as a reference. If it should meet your approbation, you will please insert it. Any trouble you may be at on my account will at all times be reciprocated, and I will be glad to serve you in any way within my power. I am at a loss to know what papers in the different states may have the greatest circulation and must request you to fill out the list for me, by inserting in the memorandum below the advertisement such papers as you may think would be most proper, published in New Orleans, Natchez, Louisville, Frankfort. (Ky.,) Cincinnati, Nashville, City of Washington and any other Southern paper which you may deem important, as the South will probably have the greatest interest. I am at a loss to know how to have the publishing paid for. You will therefore please arrange that for me and retain it out of the draft spoken of above, or by drawing on R. Mills & Co., Brazoria, and it will be immediately accommodated, as you may

direct. You will please attend to this immediately, as it is important.

* * * * *

Let me hear from you soon. With assurances of the highest regard and consideration.

HENRY SMITH.

WM. H. WHARTON TO SECRETARY SMITH.

[PRIVATE.]

WASHINGTON, February 20, 1837.

My Dear Sir.—I have only time to say a passing word before the closing of the mail, in answer to yours of the 7th ultimo, which has just come to hand. I will write more fully in a day or two. The great object of this is to procure your aid in inducing President Houston to accept my resignation, which I have several times tendered. Two ministers here at any time are unnecessary, and in the recess of Congress when nothing will be done, would bring us into merited contempt and burlesque.

General Hunt is willing and anxious to remain and I would not miss being at our next Congress on any account in the world. For God's sake and my sake try and have my resignation accepted. There shall be no difficulty about my outfit or delay. I will be satisfied with anything the government determines in this

respect. If they require me to refund every cent I have received, so be it. The committee on foreign affairs of the lower House have reported in favor of our recognition and nothing but want of time will prevent the concurrence of Congress. I will bring you the best books for your department that I can procure.

My family are in tolerable health.

Truly yours,

WM. H. WHARTON.

NEW ORLEANS, March 23, 1837.

My Dear Sir.—I have been taken by surprise in the sailing of the *Johannes*, or I would write you more at length. I have only time to say that the salvation of our country depends upon no further issue of treasury notes being made by our next Congress, and upon having all our customs paid in cash, instead of being bonded. I have published some articles on the subject, also *your admirable letter*, which have had a happy effect. Aid Russell in getting a home. His business is important. Give Congress, at an early day, a full report of your views.

Yours truly,

WM. H. WHARTON.

Mr. Wharton's resignation being accepted he had left Washington for home, arriving in

New Orleans on the 20th of March. From there he sailed for Texas in the Schooner of War, Independence, Capt. Wheelwright, with a crew of thirty-one men. About thirty miles off Velasco, on the 17th of April, the Independence was attacked by the Mexican war brigs *Libertador*, carrying 16 eighteen-pounders and 140 men, and *Vincedor del Alamo*, carrying 6 twelve and 1 eighteen-pounder and 100 men. After a severe fight, in which the Texians acted most gallantly and Capt. Wheelwright was severely wounded, the Independence was captured and carried into Brazos Santiago, whence the prisoners were conveyed to Matamoros and imprisoned. Learning this, Col. John A. Wharton, with the president's permission, with thirty Mexican prisoners and a flag of truce, sailed for Matamoros to effect an exchange for his brother and the other captives, but, on landing, was seized and imprisoned. After an imprisonment of six days, he escaped and returned home, his brother having escaped a few days before.

Mrs. Wharton did not return with her husband from Washington, and, on the 1st of May, Governor Smith wrote her this letter:

HOUSTON, May 1, 1837.

Mrs. Sarah A. Wharton:

Esteemed Friend.—Hearing that you would probably return home, by way of Mobile, I address you at that point in discharge of a duty, to which the suspense and anxiety in regard to the fate of your husband lends additional obligations. Fully realizing the emotions that reports would be calculated to produce on your mind, I hasten to give you the earliest information of what has happened, in order that you may be at least partially relieved of the intense anxiety under which I know you must be laboring. It was well known here that Mr. Wharton sailed from New Orleans in the *Independence*, with the schooner *Julius Cæsar* under convoy. After getting to sea, they received information that our coast was certainly infested with Mexican armed vessels and that in all probability they would come in collision. Mr. Wharton was therefore induced to quit the armed vessel and go on board the neutral merchantman, which was considered the best sailer.

When the action commenced between the armed vessels the merchantman parted company and attempted her escape, but was ultimately captured and taken into Matamoros. The result

of the conflict between our armed vessels and the Mexican brigs has not yet been ascertained, but no doubt exists that she was either sunk or captured, and taken to Vera Cruz. This information, from a seemingly authentic source, has entirely relieved my own mind from anxiety or fears as to the ultimate fate of Mr. Wharton, and I confidently hope it will have a similar effect on your own. The worst that can be anticipated will be a short detention. Bustamente, who is now said to be in power, has recalled all the troops from our frontier and has resolved to have our difficulties amicably settled. All the Mexican prisoners here have been released and the same may be expected on their part. My own anxiety on that subject is now entirely relieved. And permit me, dear madam, to implore you not to despond. Look on the bright side of the picture. All will yet be well—Texas free and happiness restored. Time will not permit me to detail passing events. Our Congressmen are just arriving at the new city, and going into session, and, as yet, there is nothing of importance to communicate

With sentiments of regard and consideration, I am very respectfully, your friend,

HENRY SMITH.

The communications following are of interest.

GENERAL RUSK TO SECRETARY SMITH.

NACOGDOCHES, May 19, 1837.

Honorable Henry Smith.

Dear Sir.—The situation of our office and the great inconvenience attending the transaction of business when I left Columbia last fall prevented my attending to the transacting of some business I had in the Treasury Department. I had all along intended to go to Houston, during the present session, but my business is such that I cannot go, and, as I am anxious that the matter should be arranged, I will thank you to inform me what course will be best to pursue; whether to constitute an attorney there, or send the papers direct to you. The business is this: When the cabinet were leaving Washington, Bailey Hardeman, the Secretary of the Treasury, deposited in my hands \$1,000, a small portion of which was expended under direction of the President, and on his arrival at Harrisburg, I handed him the remainder and took Hardeman's receipt for it, which receipt and the other vouchers I have. If you will have the kindness to inform me how I had best send them in order to have the business settled I will be much obliged to you.

I have also some other business. I received some money here, as agent of the Provisional Government, which I expended in enlisting a company of regulars and enrolling and sending on volunteers. I have all the vouchers for the expenditure, and if it could be arranged by sending down, I would be glad. I would like extremely to hear from you, at a leisure moment, on general prospects, as they present themselves about the seat of government, as we receive very little news from that quarter.

I am, sir, truly your friend,

THOS. J. RUSK.

The correspondence of Governor Smith, during his Secretaryship, though but partially accessible, is continued as of interest in connection with his public career.

SECRETARY SMITH TO THE PRESIDENT.

TREASURY DEPARTMENT, }
HOUSTON, June, 21, 1837. }

To His Excellency Sam Houston, President.

Respected Sir.—I am satisfied that my services in the department, to which you have had the goodness to call me, cannot, under existing circumstances, be productive of any good to the public. It is a duty which I owe to myself, and more particularly to my family, if my

services cannot be usefully employed for the public, that my attention to their interests should be paramount to all other considerations.

It is, I presume, well known to your Excellency that for the last two or three years my time has been devoted principally to the services of the public to the total neglect of my pecuniary affairs, and being now well satisfied that my services in this department can neither be rendered satisfactory nor creditable to myself, nor to the promotion of the public interest, I must beg permission to tender to you my resignation.

In asking permission to retire from your cabinet I assure you that I am influenced by no other motive than a sense of duty to myself and growing family, whose prospects in life depend entirely on my own individual exertions.

Permit me, dear sir, to tender to you renewed assurances of my highest regard and consideration.

HENRY SMITH,

Secretary of Treasury.

To this frank communication President Houston replied in the following flattering letter:

CITY OF HOUSTON, June 21, 1837.

My Dear Sir.—Your note of this morning I have received, tendering your resignation of the office of Secretary of the Treasury.

That you should retire at this time would, in my humble opinion, be inauspicious to the interests of our country. Your steadfastness and integrity of character are calculated to inspire confidence in the community, and this is necessary to the success of our cause. Without national prosperity there can be no hope of individual happiness.

That you have paternal ties which must operate powerfully I have no doubt, and that your life and attention to business (since I had first the pleasure of your acquaintance) has been most patriotically devoted to the public service and interest, none can doubt. Then if you and those in whom the people have confidence should resign, a want of confidence, if not despair, would seize upon the public mind, and anarchy would be the consequence.

That you had much to dishearten you in the course pursued by the last Congress, I am satisfied most fully; but let us look out for better days and cherish the hope that the next Congress will adopt such measures as will save the country and redeem us from embarrassment.

I pray that you will no longer entertain a conviction that you ought to retire, and at the first moment that business will permit, you can

retire to a situation where some attention can be given to your family relations and your health, without permitting the total destruction of your private affairs or prejudice to the interests of the general welfare.

You can appoint such clerks as you may desire to perform the duties in your office. I have the honor to be

Your obedient servant and friend,

SAM HOUSTON.

Honorable Henry Smith, Secretary of Treasury.

To this Governor Smith responded :

TREASURY DEPARTMENT, }
HOUSTON, June 21, 1837. }

To His Excellency Sam Houston, President :

Dear Sir.—Your polite and friendly note of to-day has been received and properly appreciated. I certainly feel grateful to you for your kind manifestation of confidence, &c But I must frankly acknowledge that you have left me in a very great dilemma. I feel extremely unwilling to disoblige or in the slightest degree to thwart your wishes or annoy you with personal or written applications on subjects which to you, in their nature and tendency, may be disagreeable.

Circumstances, however, require that I should leave this place immediately, at least for a time.

My clerk will be here in a few days and Major Brigham will attend to anything which may be necessary in the interim.

I have contracted for the surveying of Galveston Island, and the surveyor left to-day to commence the work. I will send the advertisement for the sale of the property to be published in New Orleans, by the Brig *Houston*, which is now in the Brazos River, and nothing shall be neglected which may properly belong to my department during my absence, which shall be as short as circumstances will permit.

Hoping you will not censure or disapprove the course pursued by me in this case of absolute necessity, I subscribe myself,

Very respectfully,
Your obedient servant,

HENRY SMITH.

Secretary of Treasury.

His resignation was not accepted, but he was granted a short leave of absence.

HIS REPLY TO A RESOLUTION OF THE HOUSE.

TREASURY DEPARTMENT, }
CITY OF HOUSTON, NOV. 16, 1837. }

Gentlemen of the House of Representatives:

In compliance with a resolution from your body, under date of the 15th inst., requiring me

to transmit a copy of my instructions to the collectors of the different ports, informing them that the promissory notes of the government, now being issued, could not be received for duties, together with my reasons for giving such instructions, I have the honor to say that, under date of the 5th of the present month, instructions were transmitted from this department to the collectors of the ports of Galveston, Brazos and Matagorda as follows :

Dear Sir.—"I know that the opinion prevails, generally, that the promissory notes of the government now being issued will be received for duties as well as all other public dues. This idea is, however, erroneous, as may be seen by the laws themselves. The Promissory Note Law passed on the 9th of June last, and the Tariff Law on the 12th and, being the last, the other could not effect it; and the revenues arising from impost duties, were especially appropriated for a particular object. You will therefore, in no case receive them for duties."

Very respectfully,

HENRY SMITH,

Secretary of the Treasury.

"On the 13th of the same month, His Excellency, the president, instructed me to counter-

mand the above order, which was done on the same day, by the following communication, being transmitted to the same officers, severally, as follows:”

Dear Sir.—“In my last communication made to both Houses of Congress, at an early period of the called session, I mentioned the conflict which I considered as existing in the provisions of certain laws, with a hope that they would take such action as the circumstances of the case seemed to require, which would not only have screened me from all conscientious scruples, but at the same time have relieved me from the disagreeable imputation of arbitrary misrule. At the first session of the General Congress, I urged that body to organize the department over which I preside by a law prescribing the general duties of the incumbent, which, however, was never done, and I have been left to infer, from analogy alone, what my proper duties as the head of that department should be, except where special acts of Congress have specified duties to be performed. And such special acts I have endeavored to execute to the best of my ability. Thus situated, at the head of a department, without proper organization, or any law as a general rule of action, I have ever con-

sidered myself subject to the dictation of the Chief Executive, *who was directly responsible*, even if his opinions were in direct opposition to my own.

On examination of the following laws passed at the last session, it will be seen that they so much conflict in their provisions, that under existing circumstances, they cannot all be executed as contemplated by their provisions.

The law for consolidating and funding the Public Debt, the Promissory Note Law and the Tariff, are the laws alluded to. It will be found that the law to fund, and the Promissory Note law passed anterior to the Tariff, and that the Tariff is specific in its provisions, *requiring duties to be paid in gold, silver or such current bank paper as the authorities should direct*, and the proceeds arising from impost and tonnage duties were especially appropriated for the payment of the interest of the Funded Debt.

Being charged specially with the execution of the Funding and Promissory Note Laws, and knowing that if a conflict in their provisions did not exist in fact, a forced construction of the Promissory Note Law would bring it about and breed discontent and confusion, a circumstance in which I have not been disappointed, I deemed

it prudent to waive the execution of either until the present Congress should be in session and cure the evil. It was not my object to disobey either law, but to preserve both, as one was obligatory upon the other.

The Funding Law was the only provision made for the relief of the mass of the public creditors, and, as I conceived, less onerous on the government than the other.

I view it as a standing contract on the part of the government, for all public creditors who might choose to accept its provisions, and an infringement made on the appropriations set apart for the payment of the interest as a breach of faith on the part of the government. I have been coerced into the execution of the Promissory Note Law, and hence the necessity, as I conceive, of issuing to the collectors the foregoing inhibitory order, for the protection of the Funding Law, as it must be a matter clear and beyond a doubt that the Congress never did intend that the Promissory Notes of this government should be paid for interest on the Funded debt, as it would at once be raising it from ten to twenty per cent.

It is extremely unpleasant to the public functionary to be required, in the discharge of

his duties, to execute laws so complex in their nature and provisions as not only to call down censure from the law makers themselves, but, at the same time, to create public excitement, and heap upon him the abuses and anathemas of the whole community.

In issuing the foregoing inhibitory order, I conscientiously believed I was right, and acting in the lawful discharge of my duty. In issuing the countermand, which immediately followed, I also considered I was right, as I was ordered by my superior, who assumed the responsibility.

The foregoing are submitted as the principle reasons which induced me to issue the order referred to.

Hoping they will prove satisfactory, I subscribe myself, gentlemen,

Very respectfully,
Your obedient servant,
HENRY SMITH.

Secretary of the Treasury "

On motion of Mr. Rusk the communication was referred to the committee on Ways and Means.

On motion of Mr. Rusk it was

Resolved, "That the secretary of the treasury be requested to furnish this House with the

reasons why he has not carried into effect the law authorizing the consolidation and funding of the Public Debt. and also to report whether or not any applications to fund have been made."

The following is the answer of the secretary :

"TREASURY DEPARTMENT, }
CITY OF HOUSTON, Nov. 20, 1837. }

To the Honorable the Speaker and members of the House of Representatives.

Gentlemen.—The resolution from your House under date of the 18th inst., has been received, and I hasten to comply with its requisitions.

I am required by the resolution to furnish your body with the reasons why I have not carried into effect the law authorizing the consolidation and funding of the public debt.

This plan was one of my own suggesting, and the original bill was drafted by myself, together with the revenue laws for its protection; but one of which, however, was sustained, and that underwent several alterations and amendments, which materially altered it from the original presented.

Owing to the funding system not being well understood I had much difficulty in procuring the passage of the law at the last session, and am too well satisfied of its beneficial results,

both to government and creditors, to have the least disposition to abandon it.

In two previous communications to your House I have adverted to the substantive reasons which have induced me to delay its execution, in terms, as I conceived, not to be misunderstood. Ever willing, however, to account satisfactorily for any seeming neglect of official duty, I give the following as the last though not the only reason why that law has been delayed in its execution. *Two different bills have been sent to New Orleans, for suitable and necessary stationery to be used for that and other public purposes, neither of which has been filled, for reasons easily imagined* Suitable materials cannot be procured in the country, and, being satisfied that the present Congress would not probably take any action calculated to protect that law in its provisions and special appropriations I, some days since, issued the necessary order to the General Stock Commissioner to use such material as could be procured here, and the law is now being executed; leaving the suitable and necessary appropriations for the interest accruing to be made by the present or some subsequent Congress.

To the inquiry made "whether any application had been made to fund," I reply that many have been made, and no doubt exists in my mind that the public creditors will willingly avail themselves of the advantages and inducements held out in the law, and that the great mass of public liabilities will be funded as soon as circumstances will permit, as the law will be executed in strict accordance with its provisions. No injury has resulted either to the government or creditors by the delay in its execution.

Hoping my responses to your enquiries may prove satisfactory. I subscribe myself,

Your obedient servant,

HENRY SMITH,

Secretary of the Treasury.

On motion of Mr. Gazley the communication was referred to the committee of Ways and Means.

NATHANIEL TOWNSEND TO SECRETARY SMITH.

NEW ORLEANS, Dec. 14, 1837.

Honorable Henry Smith :

Dear Sir.—Last August or September a year since, I executed my bond in favor of David G. Burnet, President of the Republic of Texas, in the hope that some funds might in this way be raised for the use of the government. I have

understood they were not used by the government, and as your department is the proper deposit for them or an account of them, I would be greatly indebted to you if you will avail yourself of the first leisure moment to advise me where my bond is to be found. The prospects of Texas are evidently brightening in the United States and a deep and almost universal interest appears to be felt in her prosperity.

I am rejoiced at the stand you have assumed, in regard to the financial department, and I trust in God, our Congress may adopt your suggestions, or at least a course calculated to establish the faith and credit of the government on a firm basis abroad. If they do not soon, I fear the consequences will be very disastrous to the country.

I am constantly occupied at my office and mostly in giving such information as it is in my power to afford to those desirous of emigrating thereto; but, unfortunately, I am lamentably in the dark in regard to what has occurred, or what laws have been enacted since my departure from Texas, as I have not received any of them, although I have written the department of State several times very urgently on this subject, and pressed upon it the importance, as I conceived,

of my being placed in possession of authentic intelligence by the earliest possible opportunity. I am laboring assiduously and to little purpose as it regards pecuniary compensation, and I hope it will be in the power of the government, as well as in the path of her duty and interest, to adopt some course at her ports of entry whereby a sufficiency may be thrown into my hands to defray expenses of board and office rent at least. At present my receipts will barely pay postage. I should think the government would eventually find it necessary to require all shippers to exhibit their invoices at the port of shipment to the consul, therein specifying the marks, numbers, packages and description of goods, with their actual value, and that the shipper be required to make oath to this and obtain the consular certificate thereto. This, in connection with the clearance of the vessel, all of which must be necessarily exhibited to the revenue officer, would be an effectual check to the embezzlement of merchandise and protect the government against frauds upon her revenue, which will sooner or later be practiced, if measures are not adopted to prevent it. I shall at all times be happy to hear from you and render you any service in my

power, and hoping you will take my remarks in a spirit of kindness as they are written,

I remain my dear sir,

Your very obedient servant,

NATHANIEL TOWNSEND.

LETTER FROM MR. C. P. GREEN.

NEW ORLEANS, Jan. 12, 1838.

Honorable Henry Smith, Secretary of Treasury:

Dear Sir.—I reached this place on the 8th inst. On the following day I called on Mr. Hodge, President of the Orleans Bank, whom I understand had been employed to have the treasury notes engraved, who informed me that he had ordered \$500,000 struck, but referred me to John R. Allen, who had represented the business in Philadelphia, and who also informed me that they were engraved and that I could see them at Mr. Toby's of this city. I then called upon Mr. Toby, who opened a box containing bills of \$5, \$10, \$20 and \$50, and told me that a similar box had been sent on the steamboat Columbia to you. Now that they are done, though not corresponding with the blank one you gave me, I feel at a loss to know in what way to act and have finally concluded not to do anything farther in the matter until I can hear from you. I shall start to-morrow for Bayton.

Mecklenberg County, Virginia, where I will await your communication and take pleasure in acting accordingly. In haste I remain yours,

Very respectfully,

C. P. GREEN.

FROM LAUNCELOT ABBOTT.

NEW ORLEANS, March 25, 1838.

Governor Henry Smith:

Dear Sir.—Having the best wishes for my adopted country, it grieves me much when I view the shameful manner in which she is at the present time imposed upon and injured, almost to an incalculable extent, by men whose villainy is not too nice to prevent their committing the worst of crimes. I allude to the counterfeit star money of Texas, which has been so extensively circulated in this city, thereby making the genuine paper money not worth more than 40 per cent. I would respectfully suggest to you the propriety of redeeming that money, printed with letter press, by means of the printed engraving you now have. I would also call your attention to one other thing. It is that of lotteries. I believe that Congress has not passed any law authorizing their establishment. You may expect an establishment of this kind in Texas very shortly, bearing the name of the "Texas Free

School Lottery." It is an ingenious mode of robbing the people. The legislature of Louisiana abolished them this last session. I am sure you will use your influence in preventing their establishment. I remain sir, with much respect,

Your obedient servant,

LAUNCELOT ABBOTT.

From Gail Borden, Jr., Custom House officer at Galveston, came the following :

GALVESTON, March 27, 1838.

Honorable Henry Smith :

Dear Sir.—A few days since I communicated with you on sundry subjects, and this, although not in any way connected with the revenue or finances, may not prove wholly uninteresting.

While I am exerting every faculty to aid in raising a revenue, to do which, under the disorganized state of our laws, much mental as well as bodily labor is required, it is discouraging to witness the most prodigal spending of that revenue. The navy at this place is at present a moth in the national purse, which will eat out the filling, and waste the substance of the people. The expense of building in the navy yard is great and much unnecessary work laid out ; a two story house finished, with a good brick chimney ; a large kitchen with a brick chimney and oven

and extensive quarters and store houses. I have seen enormous bills for stores and at prices greatly in advance of what others pay in this port. The large proportion of officers, too, constituting the navy. Two pursers at \$1500 each, whose business for a month will not equal one of the custom house clerks two days. I should not have troubled myself with the matter had I not supposed that the government was yet unapprised of the extent of useless expenses, and were it not that I believe it right for every citizen to expose abuses in whatever department found. I make the above remarks too that further inquiry may be made as to what our navy is doing for the benefit of the country.

This letter is intended as a private one. I will, however, inform you that the Mexican fleet is blockading our coast, but we have not yet seen a vessel. The militia of this place, as well as the regular troops, are prepared to do their duty in event of the invasion of the Island.

Respectfully your friend and servant,

GAIL BORDEN, JR.

FROM ROBERT MILLS, MERCHANT.

BRAZORIA, Jan. 26, 1838.

Governor Henry Smith :

Dear Sir.—My object in troubling you at this time is to learn your views and the probable

course that will be pursued by the Executive in relation to the notes of the government paid into the treasury under the operation of the tariff and land laws. The promissory notes of the government have nearly supplanted the circulation of bank notes, for the obvious reason that the holders esteem them of less value than bank notes. It is very certain that if the \$650,000 or even \$500,000 are kept in circulation, these notes will soon be of as little value as other claims against the government. On the contrary, if they are not paid out of the treasury, their value will become enhanced as they become more scarce. I have taken them pretty freely until recently, when I was informed that the law authorizing their issue contemplated them in the light of a constant circulation. If this be the case their value will be very uncertain. As it is very important that we should be fully informed on this subject I beg you will write me at as early a period as your business will permit.

Yours truly,

ROBERT MILLS.

Governor Smith's whole idea on the subject of treasury notes was to place them on a par basis by the plans he proposed of demanding specie or approved American bank notes in

payment of custom house and land dues, and the honest business men of the country sustained him, while the floating, speculative element too successfully opposed the policy. Not until the Congress of 1841-2, backed by the earnest influence of President Houston and the labors of Congressmen Wm. E. Jones, of Gonzales, and Timothy Pilsbury, of Brazoria, were the earlier views of Governor Smith, improved by the intervening experience, adopted as the policy of the government, in what became known as the exchequer system. This proved to be wise and efficacious, and while it embraced features in addition to those advocated by Governor Smith in 1837-8 it included his views as held at that period and afterwards.

To the Honorable Henry Smith, Secretary of the Treasury:

Sir.—You have leave of absence until the 1st of October, unless the duties of the department should require your attention at the seat of government.

In the meantime you will appoint whomsoever you may deem best to discharge the duties of your department during your absence.

Your report will be prepared by the 10th of October, that the same may be presented to the

Honorable Congress at the session of 1838. With great regards,

Your obedient servant,

SAM HOUSTON.

HOUSTON, June 29, 1838.

He was absent, however, but a short time and continued assiduously in the discharge of his duties till the inauguration of the new administration. The third Congress assembled on the 5th of November, 1838. On the 10th of December President Houston delivered his farewell address, when Mirabeau B. Lamar was installed as President, and David G. Burnet as Vice-President. On that day Governor Smith ceased to be Secretary of the Treasury, and on the 14th the House of Representatives adopted the following resolution:

Resolved, That the thanks of this House be voted to the Honorable Henry Smith, late Secretary of the Treasury, for his able and statesmanlike report furnished this House, in accordance with its resolution, and also for the ability and integrity with which he has managed the finances of the country and presided over the treasury department during his connection with the same.

I certify that the above is a true copy of a *resolution* passed by the House of Representatives this the 14th day of December, 1838.

JOHN W. ELDRIDGE, Clerk.

The following private letter from an unfortunate gentleman, though not of public interest, furnishes such a key to the noble heart of Governor Smith that it merits insertion here :

HOUSTON, February 16, 1839.

To the Honorable Governor Smith :

Dear Sir.—It was with surprise as well as with heartfelt gratitude, that I heard from the Rev. Mr. Chapman you had voluntarily advanced to him the amount (\$70.00) for which you were so kind, on two different occasions, as to become my security. This, although it did great violence to my feelings, I could not well help, especially as I could get literally almost nothing for my headright, and being entirely out of business, it was almost impossible for me to raise any money. In the meantime, you most kindly and nobly stepped forward and relieved me from the unpleasant circumstances in which I was placed. I would far her apologize to you if I supposed that you would think it *necessary*; but I believe you are fully aware of the facts that, in coming to this country with twenty-five families of

immigrants. I have been at an expense of \$4000, in good money—greatly to the benefit of this Republic and without having as yet received a single dollar myself in return—and that myself and family have been sick *seven-eighths* of the whole time we have lived in the country, thus totally disabling me from business, whether professional or otherwise, though I have made frequent attempts to do something. It is only a few weeks past that my health would enable me literally and really to “*go to work*” But thanks to the *gracious Preserver of us all!* I am now engaged in business to some little purpose. I commenced our city school a week since—and have recently been appointed secretary to the city council. Hence I hope soon to begin to pay my debts.

Gratefully your friend,

R SALMON.

Governor Smith retired to his farm and devoted himself to the welfare and maintenance of his numerous family. His domestic relations and affections were models of tenderness and simplicity. Yet he was much annoyed by his friends, preceding every election, urging him again to enter the public service. He shrank from their importunities; but they became so

pressing that in 1840 he yielded so far as to stand for a seat in Congress and was triumphantly elected by the people of Brazoria, among whom his Texas home had ever been. He served with distinguished ability as chairman of the committee on finance and made such an able and exhaustive report as to lead to the wise legislation, already referred to, by the succeeding Congress of 1841-2.

Thus closed his public career. Thenceforward, though always deeply interested in whatever affected the welfare of the country, his time was passed in the bosom of his family. It is meet, therefore, here to insert a few expressions from those who knew him best as to his character and services.

The letters from prominent and faithful patriots to him, from the opening of the issue in 1835 to the Declaration of Independence in March, 1836, are too numerous to refer to. But they show the powerful hold he had upon the public confidence as a clear-headed, honest man, of dauntless moral courage and inflexible patriotism.

MORE RECENT LETTERS.

On the 25th of May, 1882, the venerable Thomas H. Brennan, of Milam County, after-

referring to Governor Smith's earlier services, wrote of the meeting in Brazoria in 1832:

"Henry Smith read a paper he had prepared foreshadowing the independence of Texas. After this he became prominent in Brazoria and the surrounding country. I know of no reason why he was elected governor but his ability, his force of character and his fitness for the position. He was in favor of a Republic from the beginning in 1835, while many good and true Texians were opposed to it."

Dr. Ashbel Smith, in 1882, among other things wrote:

"Bear in mind that I am not comparing him with county court statesmen and political shysters, but with men whose thoughts govern the actions of others, and I have rather attempted to portray him, not as he was to us who were endeared to him and he to us, but as he will be estimated, without emotion, by posterity." After brief allusion to his early connection with the government, he says of him: "Governor Smith possessed natural powers of a high order. His strength of will and moral courage were of the highest type, and he was conscious of possessing these imperial qualities. He was of medium stature and, as he approached the

middle period of life, became stout ; always erect, and so free from nervous restlessness that he must have been a good physiognomist who could, from his manner, interpret his thoughts. He was a calm, well poised man."

Dr. Smith closes in these words :

"The administration of the finances of the Republic of Texas under both terms of Houston's administration, Henry Smith having organized the Treasury Department at the inception of the government in Houston's first term, was characterized by eminent ability and crowned with extraordinary success. Even slander never questioned the integrity of the first secretary through whose hands passed the entire revenues of the Republic. Henry Smith went into the Treasury Department poor; his style of living was simple and inexpensive; he came out of office and gave up the keys of his department poor. His unblemished name is a possession which the State inherits from the Republic of Texas."

ASHBEL SMITH.

The pure and then venerable Dr. Charles B. Stewart, the Executive Secretary in the Provisional Government, who was fined \$2,500 by the council for his fidelity to Governor Smith, in 1879 wrote :

“It has vexed me to see that the publications and histories of Texas have paid so little regard to Governor Smith who, with Dr. Branch T. Archer, John A. Wharton and others, were the patriotic founders of the Republic of Texas.

With both the will and the desire to aid you in rescuing the memory and virtues of Governor Smith from the obscurity which fate or design has visited them, disease, age and infirmity have rendered me unable to aid you in so laudable an effort. * * * * *

You have my best wishes for the successful vindication of Governor Smith from the obloquy sought to be cast upon him, and from the improper and unjust neglect of the writers and historians of Texas.”

[Neither these nor the other letters referred to were written to the author of this volume, but to another gentleman then contemplating writing the life of Governor Smith. By him they were kindly placed at the disposal of the author of this work.]

In 1841, in anticipation of the presidential election to occur in September, a widely spread call was made upon Governor Smith, by the friends of Gen. Houston, to stand for the vice-presidency on the same ticket. Doubts arising

as to the governor's willingness to become a candidate, a very large meeting assembled in the city of Houston, on the 15th of April, of which Dr. Alexander Ewing was President and Francis R. Lubbock, (since governor and now Treasurer of the State,) was Secretary.

Francis R. Lubbock, James W. Scott, George Fisher, Dr. Wm. M. Carper and Dr. C. H. Jaeger were appointed a committee to report resolutions for the action of the meeting. They reported the following, which were adopted with great enthusiasm :

"Whereas, A doubt exists on the part of the political friends of General Houston as to the willingness of the Honorable Henry Smith, of the County of Brazoria, to be considered a candidate for the Vice-Presidency of this Republic at the election in September next ; and, *whereas*, the good of the country requires a union of action in regard to the election for vice-president and the nomination of a suitable candidate to be supported for said office with effect by the political friends of Gen. Sam Houston ; and, *whereas*, several candidates are already nominated for said office : *Therefore*, to insure a successful issue to the said election, by the majority of the friends of Gen. Houston, in electing a

man of their choice as the vice-president of this Republic, who in case of being called by the constitution to fill temporarily the Executive chair, would pursue the steps and carry out the measures of Gen. Houston : Therefore,

Resolved, That committee of one hundred and one, be appointed by the chair to request the Honorable Henry Smith to allow his name to be placed before the people as a candidate for the office of Vice-President of this Republic.

The committee of "one hundred and one," promptly communicated these proceedings to Governor Smith, accompanied by an urgent letter. He replied on the 1st of May, declining to be a candidate and supporting the candidacy of Dr. Anson Jones, who, however, subsequently determined not to run, and Gen. Edward Burleson was elected over Memucan Hunt.

We would most gladly record of Governor Smith that he lived to a ripe old age, with the mantle of his well earned honors about him, to share with his compatriots in the abundance and security and glory of the State to achieve whose independence he devoted the prime of his manhood ; but it was decreed otherwise. Let then a grateful country cherish and honor his memory, and not grudgingly bestow the laurels to

which he is entitled by every claim that can be awarded to the highest and purest and most self-sacrificing patriotism.

Governor Smith continued quietly attending to his home affairs and landed interests on and near Aransas bay. In 1840, as shown elsewhere, one of his daughters married Col. George W. Fulton, who, from that date till 1846 was a member of his family, when he removed to the city of Baltimore, where and elsewhere in the Middle States, as a civil and railroad engineer, he remained 21 years, till 1867, and then removed to his present home and pasture lands on the bay named. Thus matters stood to the date of the following letter, which is self-explanatory:

BRAZORIA, April 16, 1849.

Col. George W. Fulton, Baltimore:

Dear Sir and Son.—John, James, [his sons], Stewart, [his colored servant], and myself are on the eve of leaving for California in search of the "golden fleece." William may perhaps join us somewhere on the route. I received a letter from him yesterday dated at Brownsville, in answer to one I had written him. Seven out of twelve died at the house where he boarded, with cholera. He, however, remained in good health.

It may seem to you, as it does to many others, strange that a man of my age should undertake so difficult and hazardous a trip. I feel, however, that it is necessary and that I am competent to the undertaking. My sons were spending their lives in idleness and no field open for them here. They were violently attacked with the gold fever and were determined to go on some terms or other. They had not the means to fit themselves out and would be totally at the mercy of the world if they should even be fortunate enough to get there. So, on their account alone, I determined to break myself up, and raise the means necessary for an outfit and go with them and aid them in the best manner I could, and if fortune favored us, well; if not, they at least would be benefitted as they would have a new and wide field in which to operate, and might do well if they would; if not, I would not be to blame. Here they could effect nothing. This I thought was my duty under the circumstances, and would perhaps be the best patrimony I could bestow on them. And if I could acquire anything myself it would be for the benefit of my daughters and my little curly haired grand-children. There is no telling what might happen, as the inducement to exertion,

from all accounts, will be unbounded, and will perhaps give me new life and new energy. I have every confidence, if we can arrive there safely, we will be able to stand the trial as well as most that may go.

* * * * *

For outfit I have procured a good strong light wagon, and, as the demand for horses and mules has made them very scarce and high, I will start with three or four yokes of good steers, so that the load will not be felt, with harness for mules when I get where they can be bought, if found necessary. The wagon will not be heavily loaded, but with the most substantial and durable supplies of provisions for at least six or eight months, with all the necessary tools and as many water casks as we can find room for, to supply us with water through the deserts, as it seems some such have to be crossed on any route we can take. In short, we will go provided against all contingencies that can be anticipated, and hope to have sufficient means to carry with us to procure fresh supplies on the route where they can be had, and save our cured provisions, so as, if possible, to arrive there with as much as we shall have at the start. Corn can be procured in some places and I will take with me a steel

mill which can be fitted up in a few minutes, so we will have fresh meal on the whole route.

We expect to be some three or four months on the trip. All in this country that are able to fit out are afloat for California. Most from this part of the country have been gone for several weeks; none, however, seemed determined on any definite route, and many, I have no doubt, will fail or suffer much. They would not wait on Gen. Worth's movements, and left in detached parties. We, however, have determined to wait Gen. Worth's movements and follow in his train. It is stated that he will leave Bexar about the 1st of May and we are using every exertion to get there about that time. We will have his protection as far as the Gila, where he will establish a garrison. We will then, as I consider it, have passed the most dangerous, difficult and least known part of the route. We know from there hundreds of wagons have passed, by making some detour perhaps to the mouth of that river, at which place we cross the Colorado of the West, said to be distant from San Diego on the Pacific about 200 miles, and something like half that distance is said to be desert, which cannot be avoided. Once at San Diego, our troubles will be at an end, all after that being

plain roads and fair sailing. I feel satisfied if we can arrive there safely, should gold not be as plentiful as represented, we could find some advantageous employment, and here we do much less than nothing. I am worn out with the monotony. Any change would be an advantage to me. God knows I have nothing to fear or dread. With the exception of a few farmers who seem yet alive to their sugar prospects this country is in a perfect state of apathy. Many large improvements abandoned and offered for sale, but seldom find purchasers or even renters, and so left to dilapidation, as my place will be. I feel pretty well assured that I will never attempt to reclaim it. We had, a few nights ago, a killing frost, which, with some few exceptions, made a total sweep of the growing crops—corn waist high and some beginning to silk, the people generally having planted early, and cotton beginning to make forms, was entirely destroyed and sugar cane much retarded. This was a death blow to the farmers, and to make the matter worse no rain has as yet followed the frost, leaving the ground too dry to replant with any hope of success. Our peach trees being in full leaf, protected the fruits. I was fortunate enough this time to have nothing destroyed.

Hundreds would now, if they could make the outfit, leave for California.

I expect myself to be gone one year, more or less, as circumstances may direct. I may return by PANAMA. My sons will, I presume, remain for some time.—Will be my general agent and attend to my suits and land matters, which I hope will be brought to a close. * *

Tell Harriet and Lizzie, [Harriet was Mrs. Fulton and Lizzie his single daughter with her,] that papa had not time to write to them specially—that he is going in search of the golden fleece and should he be fortunate enough to find it they will be largely the beneficiaries, and Lizzie shall have all the golden ornaments she may desire, provided she is industrious in her studies, and when she is able, write to her mama, as papa will be absent. And tell Henry, my namesake, and George the scholar, and my little curly headed Ann, not forgetting Jim, the great, that grandpa has gone to “Alta California,” in search of gold for them, and if they are good children and give him their blessings, he will throw the sands high and bring them plenty of gold and deliver it in person.

P. S. I will write you a few lines from Bexar if I have time, and from all points on the

route that will permit. Address me at San Antonio. Affectionately,

HENRY SMITH.

He wrote Col. Fulton from beyond San Antonio :

LEONA, September 10, 1849.

Dear George—We left home about the 1st of June with the view of joining the government train from Bexar to El Paso. We found, after leaving home, that the train had left, with the cholera in company—that the disease was raging as an epidemic to a frightful extent around our whole frontier and we did not think it prudent to dare it; so we stood aloof through the rainy and hot months and whiled away our time at convenient and suitable places. We then approached Bexar and remained in its vicinity several weeks, until we heard of a train of 50 or 60 wagons, under charge of Col. Cazneau, loaded with merchandise for El Paso and Chihuahua. I met with Messrs. Van Ness, Colquhoun and others, interested parties, who told me the train would be at the government station on this river by the time I would get here. We hurried on for fear of being left and have been here over two weeks and the train is not yet arrived. They had to open their own road. Messrs.

Cazneau and Van Ness left some ten days ago to meet it, but have not returned yet. The government has three companies at this cantonment, which is the last on the route to El Paso. We are now encamped five miles west of them at the very head springs of this river, 100 miles west of Bexar, right on the public highway and ready to join any company that may pass. It must however be a suitable and efficient one or we will wait for the government train. The Corpus Christi train, should it come on, has ox teams like our own and would suit us on that account. Our team, four yokes, are now well trained and in much better condition for traveling than when we left home. We have here, of course, excellent water, grass, wood &c.; game not so plenty as we could wish, it being so near the encampment, but we find plenty and more than necessary for consumption. The fleshy parts are cured for future use, and the remainder used; so our living is not expensive, and I hope our supplies are ample. Indeed we are loaded and our wagon crowded to its utmost capacity. I confidently hope we will not be like thousands who preceded us early in the season and found themselves in a state of starvation before they reached El Paso. I have seen several and heard

of many who have returned from there through much suffering, as best they could, and who say thousands had arrived there in a state of utter destitution; that no supplies of any description could be had there; that the poorer inhabitants were themselves in great want, owing to the unexpected and unheard of flood of emigrants passing through and sweeping everything like provisions before them, that and many are awaiting the arrival of the government train, with a hope of obtaining supplies to proceed either forward or back. Those people who hurry and travel light, make poor calculations. El Paso may be fairly considered no more than the starting point to the gold regions of California, so you can see we have starving emigrants to guard against as well as Indians and other enemies.

If no bad fortune attends us I hope we will not starve. Many hazards have to be encountered and we go prepared to meet the worst. William, [his third son,] has not joined us as I hoped he would. Our band is quite small to be the out post on the western frontier. We are now encamped five miles west of the very end of civilization. * * * *

The troops which preceded us will perhaps be stationed on the Gila by the time we arrive

there. If so and reports be true, we may find on some of its branches an Eldorado without farther travel. This I confidently hope will be the case as it would cut off the most tedious and hazardous part of the trip.

I can write from here only by express and will continue to do so when an opportunity offers, which will of course be seldom.

Tell Lizzie that papa requests that she should be a good girl, mind her sister, learn well and behave well and he will do his best to make her a fortune. Give my love to Harriet and all the children and accept the best wishes of yours truly,

HENRY SMITH.

P. S. Col. Hardee, the polite and gentlemanly commandant of this post and suit, visited my camp a few evenings since, and in conversation informed me that another government train would leave Bexar for El Paso on the 1st of October. Could we have foreseen this detention and remained as we might, in the vicinity of that place, until that train started, it would perhaps have been better, as we may yet have to await its arrival, which will perhaps bring the middle of October. This would certainly be a great loss of time, but we dare not risk the wilderness any further without ample protection.

Time is nothing—scarcely anything—I can truly say, and I say it with gratification and pride, that no company of Californians has met with so much courtesy and kindness from the time of starting up to the present writing. Now, however, we must depend on our own resources.

Yours truly,

HENRY SMITH.

We have no other letter from the brave old man during his long journey, but in lieu thereof are enabled to present extracts from a letter to a Baltimore paper by Lieutenant Mason, third U. S. Infantry, dated Ojo de San Martin, January 16, 1850, the place now known as San Martin Spring, in Reeves County, on the Texas and Pacific railroad. Lieutenant Mason wrote :

“I send you, by Mr. Aubrey, a few hurried lines informing you of our progress. A few days before leaving the Puerco, (Pecos,) we were overhauled by ex-Lieutenant Governor James W. Robinson, (of the Provisional Government of 1835-6,) who came to request that our command should halt until his party, consisting of seven ladies and only a few men, could join us. Captain Johns acceded to his request, and, accordingly, in three or four days, they came up, the ladies having been much alarmed in the

mean time by the many reports of hostile Indians. We have now with us the first governor and first lieutenant-governor of Texas—Governor Henry Smith and Lieutenant-Governor James W. Robinson. They are both elderly gentlemen, but it seems that even old age does not prevent them from wending their way to the golden shore. Governor Smith's two sons, John G. and James E. and a servant are with him. Mrs. Robinson and only son, William, are also along.

We have had several falls of snow since I last wrote and have, in consequence, lost many animals. Since we left we have lost three hundred head of oxen, and those that are still alive will never again be fit for service, even if they reach our destination.

The day before we left the Puerco an express was started with orders to go through to El Paso. On arriving at the Guadalupe Pass, the rider found that he could not go through, as there were thirty or forty Indians on the alert for him. Consequently he returned and was started from this place last night, this being only ten miles from the mountains. He will reach El Paso to-morrow, if the Indians do not molest him.

As yet nothing has been heard of Col. John C. Hays, [the famous Texas Ranger,] who left

El Paso about the last of September, with a hundred men, for California. Much anxiety is felt in regard to their safety. Mr. Wright, of the New York Herald, accompanied the party, intending to return as soon as Col. Hays had a talk with the Indians, who were to have met him 150 miles beyond El Paso, for the purpose of making a treaty. A man from Missouri, named Gordon, who has been living with the Indians several years, promised to bring the Indians in to meet Hays. He also engaged to escort Nugent and Mr. David Torrey, a Texas Indian trader, back to El Paso in twenty days after they left. These gentlemen may have thought it unsafe to profit by his offer and probably determined to go through to California."

[It is scarcely necessary to say that Col. Hays successfully made the trip, to live long and prosperously in and near San Francisco. Mr. Torrey did not go through to California but traveled down the Rio Grande on the Mexican side, to Presidio Del Norte, crossed to the Texas side and opened a trading camp. A party of Mescalero Indians, while trading with him in the most friendly manner, learned from a party of their people just arrived, that some of their tribe had been killed a few days before, on the Mexican

side, by a party of Americans en route to California. Without a moment's notice they cleft Torrey's head in twain and instantly killed his companions, Strickland and two others. This tragic event occurred on Christmas day, 1849, twenty-two days before Lieutenant Mason wrote his letter at Ojo de San Martin.]

We have but the latter portion, without date, of a single letter written after his arrival in California, to his wife in Texas, in which is described their trials from below Socorro, on the Rio Grande, (from which place ex-Lieutenant-Governor Robinson had preceded them and experienced many trials and dangers before reaching San Diego,) through the mining town of Corralitos, Hannas, Santa Cruz, San Gabriel, Tucson, the Pima and Maricopa villages on the Gila, across the Colorado and the desert beyond, into California. It is a repetition of scenes with which this generation have become familiar. We quote, however the closing sentences in which he says:

"I have made several attempts to write you before, but could not accomplish it because my sight has been so impaired by the cold winds of the Cordilleras in the winter meeting me full in the face, as did the sun in the afternoon, (our

course being west,) and with nothing upon which the eyes could rest but granite rocks and white sand, combined with the impalpable dust of the Gila valley and the desert. My eyes are slowly improving, but you must excuse me till they are restored.

* . * * *

Affectionately yours,

HENRY SMITH.

We copy this familiar signature for the last time, as one clasp. ~~The~~ The hand of a friend, knowing that it is for the last time. Although there is no yielding up of the strong will or self reliance or buoyant hopes, or strength and warmth of family ties, in these two letters which we have just read, yet we know that we must now go with sorrowful funereal tread to the last scene in the drama of his life. The sad event could not be more touchingly portrayed than is done by the pen of his son, John G., in a letter written to his brother-in-law, Col. Fulton, in Baltimore. We may not lightly intrude upon the sacredness of their great sorrow, but, as little was known of his active and useful life, so few have known the peculiarly sad circumstances of his death, which we copy from the letter.

LOS ANGELES COUNTY, CAL., March 17, 1851.

My Dear Brother -- It is with emotions of the deepest sorrow and heartfelt grief that I

undertake to inform you of the melancholy event of the night or the 4th of this month. My father, (who will be ever dear to my memory,) departed this life, seemingly in good health and to all appearance while asleep. He seemed to have died without a struggle, as I found him lying in an easy position, with his eyes closed. He died in this canon, far remote from any human habitation, without any one near him except Stewart, who says father ate a hearty supper and retired early to rest, without complaining, and that he did not know of his death until the next morning. Brother James and myself were ten or twelve miles farther up the canon, prospecting for gold, leaving our father and Stewart to keep camp. Our provisions becoming short, I returned for a new supply. On reaching the camp and not seeing my father about, I asked for him. Stewart said *he was dead*. Great God! I exclaimed, is it possible! I stepped into the tent, and behold, there lay my father, a lifeless corpse! Stewart said he had been dead two days. I then hurried back to let James know what had happened. Our way lying through the mountains, and being very rough, we did not reach the camp until the next morning at 9 o'clock. We were fortunate enough to have

some lumber, out of which I went to work making the coffin, while James was employed in digging the grave. We interred the body about sunset that evening as well as our circumstances would allow. We buried him by a cluster of sycamore trees, on one of which, standing at the head of his grave, I inscribed his name and country, the day of his death, &c.

I should have mentioned that James visited the camp on the 1st and left father in good health and spirit, believing that we would soon make a rich discovery. But alas! we know not what the future conceals in wait for us. He is now on earth no more forever. We will take his remains back to Texas with us when we return. He was greatly disappointed in regard to this country, and said if he was back home he would be satisfied to remain there. * * * *

I wish, Mr. Fulton, you would take charge of the estate

Father, on his way to this country, made some presents of some lots and lands, to some of the government officers, who had treated us very kindly. I cannot specify the property, but their papers will show for themselves. I have written a letter to send home to Texas. * * *

Truly, your brother,

JOHN G. SMITH.

To George W. Fulton, Baltimore.

Thus died this pure patriot. He still sleeps in that lonely grave in the mountains of California, with no means of identification, unless through that sycamore tree, which may yet keep vigil over the remains of as lion-hearted and faithful a son as Texas ever had.

* * * * *

In presenting the following letter to the author, written in 1886, it may be said, that George W. Fulton, the writer, a native of Pennsylvania, and one of five brothers of acknowledged intelligence and successful business careers, came to Texas in command of a company of volunteers in the winter of 1836-7, from Vincennes, Indiana, and from that time to 1846 and again from 1867 to 1887 was ever recognized as a gentleman of fine intelligence and the highest sense of honor. For many years past he has been known as one of the largest stock-raisers in Southwest Texas. His tribute to the memory of Governor Smith, breathing the affection of a son, is here appended :

“My first acquaintance with Governor Henry Smith was in the autumn of 1837, and occurred under circumstances that brought out strongly his kindly disposition. I was at that time without funds, except a few hundred dollars in

government warrants, which I was very anxious to convert into a more convenient medium for travel. The governor, then secretary of the treasury, had set his face against the issue of treasury notes, and consequently no one would buy my warrants. In order to assure myself as to the prospect of converting my funds at an early date, I concluded to call on the secretary. After introducing myself and explaining my business, he remarked that he would not issue, unless positively ordered to do so by Congress or the Executive. I, of course, was very much disappointed, which he noticed, and, after a few questions, one of which was the amount that would suffice for the present, handed me the amount I had named. I thanked him cordially and handed him my warrants which he pushed away, saying: "I don't want those things!" Much surprised, I remarked: "I am a stranger to you sir, and you certainly want security of some kind." "Well sir," he replied, "I am going to take your face." And he did.

"After I married into his family, three years after this, I resided six years with him, and had many opportunities of hearing reminiscences of the then recent events of the revo-

lution, in conversations between himself and his co-laborers of those times.

It seems strange, that the names of Wharton, Archer, Hoxey, Williamson and their co-laborers in accomplishing the independence of Texas, are now the most infrequently named, and Henry Smith, their chosen leader, the most infrequently of all.

The ruling passion of Henry Smith was patriotism. No one could be more forgiving of personal injury—no one less so for a real or imagined wrong to Texas. Diplomacy was unknown to him. He had no use for language but to express his inmost thoughts. This was exhibited in his famous tirade to the council of January 9th, 1836.

The people of Texas at that time knew him well, and appreciated his services in bringing about their independence. He was named the candidate for president in opposition to Austin.

His rough experience as Provisional Governor, made him undesirous of further authority and he urged the election of Gen. Houston. So far as the limited mail facilities of that period would permit, he notified the different localities, of his determination; yet he received a considerable vote.

Many of the survivors of revolutionary times have expressed their disgust and surprise that the name and memory of Henry Smith have been so uniformly slurred over by the various histories of Texas.

In a private letter from Brazoria of August 15th, 1837, the governor says: "When I left the capital it was with the view of not resuming the duties of my office, and I had sent in my resignation. His Excellency, however, refused to accept it and in a friendly note urged my continuance. I replied to the note and at the same time took 'French leave.' Since my return from the west he has sent a special messenger with a request that I return as soon as possible, and urges that my return is indispensable. I feel extremely anxious to be released and entirely untrammelled from public office.

"The citizens of this, my own county, say that they are willing for me to resign, provided I will consent to represent them in Congress, but not otherwise; from all of which it would seem I have lost all self control, and belong exclusively to the public. I have determined to set about my emancipation presently, and as soon as circumstances will permit, to make a precipitate retreat to the west.

The extract above given explains his persistent refusal to permit his name to be used as a candidate for office. The citizens of Brazoria county, however, upon his refusal to become a candidate for vice-president, insisted on his representing them in Congress, which, with great reluctance, he finally consented to do.

It may be truly said of Henry Smith, that the offices he held, almost from his first entrance into Texas, were thrust upon him. From Alcalde to Political Chief, the people kept him previous to the Revolution, continually in their service, and it was a common remark among the citizens of Brazoria County that 'Henry Smith would never try a case he could compromise.'

The Hon. Charles L. Cleveland, of Galveston, who, when a lad, was an apprentice in the newspaper office at Brazoria, informed me several years ago that most of the articles in that paper advocating independence were written by Henry Smith, the type many times being set by himself and he being well acquainted with Smith's hand writing. Is it not time Texas History should be remodeled?

G. W. F.

When the year 1879 arrived, Henry Smith had been twenty-eight years in his grave and a

new generation had grown to manhood. The Legislature of Texas was in session and on Washington's birthday, February 22nd, 1879, the representatives of the people received

A PORTRAIT OF HENRY SMITH,
painted by his grand daughter.

The presentation was made by the Hon. George P. Finlay, of Galveston, who said :

Mr. Speaker!—"The pleasant duty devolves on me to present to this house, in trust for the State of Texas, this splendid portrait of Henry Smith, the first Governor of Texas.

This picture is the workmanship of Mrs. Annie W. Holden, daughter of Col George W. Fulton, of Aransas County, and grand-daughter of Governor Smith, whose fame is this day celebrated by these memorial ceremonies.

Governor Henry Smith was a Kentuckian by birth, and, in his youthful ambition, sought in an early day in Texian History to cast the vigor and strength of his youthful and impetuous manhood on the side of struggling freedom in this western wilderness.

He poured out his first libation of blood in the cause of Texian Independence at the battle of Velasco, in 1832, where Texas soil received

that baptism which brought with it the salvation of her people and laid the foundation of our giant young Republic.

Governor Smith in all the positions of Alcalde, Secretary, Political Chief, Governor, Secretary of the Treasury and member of Congress, from 1831 to 1842, came squarely up to the stature of progressive manhood and true nobility of character, and he now lives in the affectionate remembrance of his compatriots as the knightliest among the knightly.

The monuments of the past are crumbling into decay, and the crowding feet of coming thousands are treading paths blazed through this erstwhile wilderness by the hardy pioneers of half a century ago.

Here and there the present generation are gathering from fading memory something of historic beauty, to tell us how valiantly our veterans lived, how like Titans they wrought a nation's freedom. So to-day comes to us from the gentle hands of fair woman, the faithful muse of history, this substance of the dead, left to remind us of the valiant living. Take it then as a sacred gift, and with Houston, Travis, Austin, Burleson, Crockett, Bowie and the departed hosts who stood in the forefront of battle when the

red blood of freemen flowed in liberty's cause, let it adorn the walls of Texas' stately Capitol, to tell coming generations of their fame. The golden sands of California stand vigil over his dust, but Texas alone is guardian of his fame."

Representative Coleman, of Harrison, received the portrait on behalf of the State, and said :

Mr. Speaker and gentlemen of the House!—"Under a resolution adopted on yesterday by the House of Representatives, it becomes my duty, as it certainly is my pleasure, to receive in the name of this House and for the State of Texas, this splendid portrait of ex-Governor Henry Smith, the first Governor of Texas, painted and donated to the State of Texas by his gifted and accomplished grand-daughter, Mrs. Annie W. Holden, of Aransas County, Texas, and just presented in the name of the donor by the Hon. gentleman from Galveston. I am doubly grateful in discharging this duty ; first, because I am glad to see placed within the legislative halls of this great State, this picture of the historic dead, who, when living, loved so faithfully and fought so gallantly for the infant Republic of Texas, that we may thus perpetuate the memory of his patriotic services and commemorate his virtues.

Secondly, I am grateful to the members of this House for this distinguished mark of their consideration in selecting me to express the feelings of the Representatives of Texas upon this pleasing and interesting occasion. Governor Smith, with his compatriots between the years 1826 and 1836, the year of San Jacinto, laid broad and deep the foundations of the independence and civilization of this great country, now the chosen home of near two millions of free, prosperous and happy people.

He was born in 1784 in Kentucky, and in 1827, animated by the same spirit of chivalry and enterprise that stirred the breasts of other heroes of that period, to rescue from the tyranny and misgovernment of Mexico, this fair land, he came to our shores and cast his lot and identified his destiny with that of the people of Texas.

It is proper, Mr. Speaker and gentlemen of the House, that the portrait of this man, loved and honored by his cotemporaries, and whose name is dear to Texians, should be placed within this hall, in which meet the Representatives of that people for whose home and country and independence he did so much and labored so faithfully. This portrait but outwardly typifies

the picture that gratitude has painted in the memory of all patriotic sons and daughters of Texas.

In giving it a place upon these walls we but honor ourselves, in making a public recognition of our appreciation of the cardinal virtues of gallantry in the field, wisdom and fidelity in the council and patriotism in all the acts of an active and useful life.

The independence, prosperity, unity and glory of Texas furnished the goals to the ambition of Governor Smith and his compatriots, and to their accomplishments he gave all his efforts.

And now, Mr. Speaker, with its independence secured, its prosperity accomplished, its glory undimmed, the unity of Texas, the unity of this great and growing State, the chosen home of this great and good man, whose portrait hangs before you, should never be impaired or imperilled.

In conclusion, and in the name of this House I now accept this admirable portrait, and to Mrs Holden the fair and generous artist and donor, and to her father, Col Geo W. Fulton, who kindly brought the portrait to this Capitol, I tender our earnest thanks."

APPENDIX.

GOVERNOR HENRY SMITH'S FAMILY.

His father was Elder James Smith, who was buried at Smith's Station, now Bryantsville, Garrard County, Kentucky. His mother, who survived her husband many years, was Magdalen Woods, and was interred by his side.

The children of James and Magdalen Woods Smith were their sons, Christopher, William, John, James, Edward and "Henry," the subsequent governor of Texas; and their daughters, Lucinda, who married Daniel Jeffries; Nancy, who married William Jeffries; Elizabeth, who married Joseph Evans, of Wythe County, Virginia; and Sarah, who married William Watts. None of these, excepting Joseph F. Smith, son of James, and one family of the Jeffries, ever settled in Texas.

GOVERNOR SMITH'S CHILDREN.

By his first marriage; twins, William W. who died in the Confederate Hospital in Dalton, Georgia, in 1863 or '64, and John G., who died on Aransas Bay in 1883, leaving a widow, since deceased, but no child; and James E., who died at Col. Fulton's, on Aransas Bay, in January 1884. Both William and James died unmarried.

By his second marriage he had five daughters, viz: Harriet G., who on the 12th of March, 1840, in Brazoria County, married Col. George W. Fulton, a native of Philadelphia, a soldier of the Texas revolution, afterwards a distinguished civil engineer in Pennsylvania, Maryland, Kentucky and the west, and, since 1867, a large stock raiser, residing at Fulton, on Aransas Bay. Jane, the second daughter of the governor, married, in Brazoria, Pulaski J. Fisk, and was thrown from a horse and killed in 1845, under the most distressing circumstances, causing a shock to her father which cast a shadow over the remainder of his life. She left an infant, Thomas Fisk, eight months old, who died in Galveston, in 1854, of yellow fever. Sarah, the governor's third daughter, died single in 1851; Emily and Sophronia died in youth in Brazoria.

By his third wife, Governor Smith had but one child, Elizabeth, who died in 1854, of yellow fever in Galveston, at the age of fourteen.

It will be remembered that Governor Smith successively married three sisters, Gillette, in 1815, 1822 and 1839. Two brothers of these ladies, Rev. Roswell and Samuel Gillette, were early residents of Brazoria county. A younger brother, James S. Gillette, came to North Texas

at a later day—represented Lamar County in the legislature and was Adjutant-General of the State during the administration of Governor Pease.

GOVERNOR SMITH'S ONLY LIVING DESCENDANTS.

The only living descendants of Governor Smith at this time, (January 1887,) are Mrs. Harriet G. Fulton, her four Children and their children, viz :

1. Annie Ware Fulton, married Eldridge G. Holden and has two daughters, Harriet Fulton and Nana.

2. James C. Fulton, married Fannie Dunlap, and has five children, Harriet Smith, George, Alice Nold, James C. and Henry Smith.

3. Harriet Smith Fulton, married Charles M. Holden, and has four children, George Fulton, Annie May, Charles M. and Winfield L.

4. George Wm. Fulton, married Leonora Caruthers and has two daughters, Mary E. and Jewell.

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